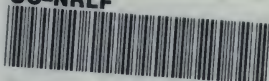
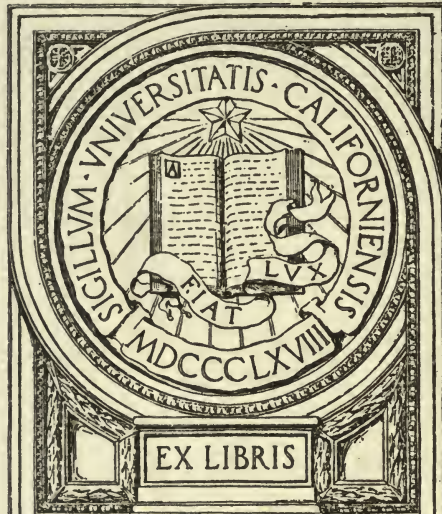


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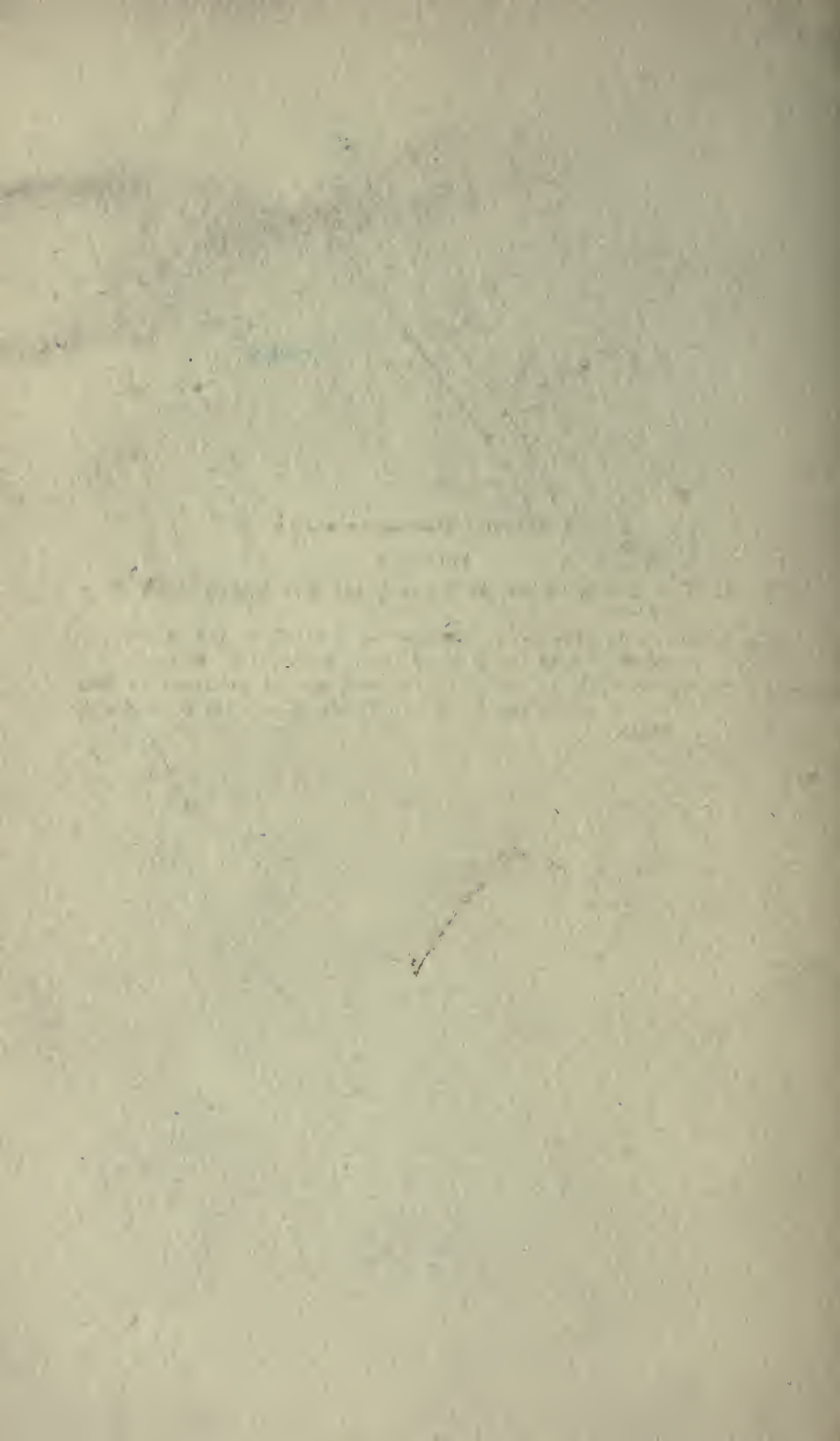


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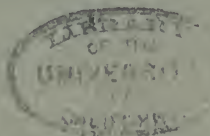
CITY GOVERNMENT BY COMMISSION

BY

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University Extension Division*



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CITY GOVERNMENT BY COMMISSION

INTRODUCTION

"Governmental power should be concentrated in the hands of a very few men, who would be so conspicuous that no citizen could help knowing all about them, and the elections should not come frequently."

—Theodore Roosevelt

The object of this bulletin is to meet the already enormous and growing demand upon the University for information on the subject of commission government. It makes no pretense at an exhaustive treatment of the subject—such a treatise being now in preparation by the author for later publication—but aims to give in concise form, such as may be mailed in answer to requests for such information, a comprehensive outline of the plan, its origin, development, and success in various cities, and its advantages and disadvantages as a scheme of municipal organization. Much has been written upon the subject, but not in such form as to be readily accessible to the general public, or of a nature to be readily accepted without considerable verification. The rapid increase in the number of cities that have adopted the plan, and the growing interest in it throughout the entire country, has made a short and reliable presentation of the subject greatly desirable at this time.

Inquiries on the subject, coming to the University not only from cities of Wisconsin, but from all parts of the United States, have been largely from three sources, and, in the preparation of this bulletin, the needs of these three sources have been constantly borne in mind:

First: From college and high school debating societies studying the subject for purposes of joint debate.

Second: From teachers and students of political science preparing courses on municipal government, or theses on this particular field of local administration.

Third: From public officials, legislators, and citizens, investigating the subject with a view to drafting charter laws or adapting them to local conditions, or considering the advisability of adopting such laws for the administration of their local city government.

Up to the present time the University has been unable to meet this demand satisfactorily, owing to the absence of any monograph or comprehensive treatise upon the subject, to its inability to secure sufficient duplicate material of an official or semi-official character, and to the unavailability for mailing purposes of such material as it has been able to secure. It is hoped that this bulletin may meet this demand and thereby perform a very great public service.

In the preparation of this bulletin, an effort has been made to satisfy the requirements of the various sources from which these inquiries have come. A careful analysis of the principles of commission government has been made, as well as an attempt to distinguish between those cities which have adopted it in its entirety, and those which have made but adaptations of various features of it. So far as the author is aware, no previous attempt has been made to clearly define just what commission government, so-called, is. At first this was not necessary; commission government meant a type of organization like that of Galveston. But with the increase in the number of cities operating under the plan, and the increase in the number of variations and departures from the Galveston plan in various cities which claim to have adopted commission government, it has become necessary to determine what we are, and what we are not, to understand by the use of the term, if we are to have a fair and intelligent test of the system in this country. The essential and non-essential features have been given, as well as some of the most notable departures from the true commission government principles as here laid down.

For the convenience of debaters the advantages and disadvantages of the plan have been given separately.

For the convenience of legislators, city and other public officials, and others interested in particular features or provisions of the plan, a comparative analysis has been prepared

giving the provisions of the various charters and laws on each of the important features of the commission plan, as well as on some other features sometimes included. Such an analysis has not heretofore been made, and it is believed that this will be of great value, especially to the citizens of cities contemplating the adoption of the commission plan, and to legislators enacting or amending commission charters or general commission government laws. It is believed that it will be of greater value even than a complete compilation of such charters and laws, for which many requests have been received, since the amount of work entailed in digesting and comparing the provisions of so many public documents once collected is enormous. Many provisions in all charters are very much the same, and great care must be used or important variations may be overlooked.

The results of the plan in the various cities in which it has been tried have been gone into only in the few cities in which it has been in operation over two years, and from which official reports have been secured. This part of the treatment must, consequently, of necessity be brief. Another five years must pass before much of an authoritative nature may be said with regard to the permanent financial capabilities of the various types of organization, and it is to be hoped that at the end of that time, the various commission cities will offer us more comprehensive and intelligent reports than have most cities hitherto under the old type of organization.

The time has passed when a complete list of commission governed cities is of much value. A sufficient number of cities are now operating under the plan, and various modifications of it, to give an adequate test of the system as a working scheme of municipal government within the next few years. In order, however, to give an idea of the extent to which the movement has spread, in what sections of the country it has been most readily accepted, and of the size and character of the cities which have adopted it, a fairly complete list of the cities which have adopted it, or slight modifications of it, has been appended.

A bibliography of periodical and other literature upon the subject has also been included.

The preparation of this bulletin has been made possible through the collection of material made by the Municipal Reference Bureau of the University Extension Division, by which probably the greatest number of requests for information on this subject have been received. This bureau has on file copies of all the charters covered in this bulletin, and some, which on account of their great departures from the principles of commission government here laid down, it has been thought best to omit. The bureau also has a large collection of annual reports, semi-official and periodical literature, and newspaper clippings upon the subject, which have been freely drawn upon in the preparation of this bulletin.

The work of this bureau, and the conditions leading up to its establishment are fully set forth in a special bulletin on the 'Municipal Reference Bureau' issued by the Extension Division of the University. The bureau is in charge of a specialist in municipal administration, and is in coöperation with the various departments of the University and the various state departments at the Capitol. It collects data and information on all the varied subjects of municipal activity and municipal government for the purpose of rendering that material accessible to the cities and citizens of the state. It is able, through the assistance of members of the University faculty and the various state commissions, to give to the municipalities of the state the advice and assistance of experts in practically every branch of municipal administration and the problems of cities. Its aid and assistance is free within the state and, through exchange courtesy, to a limited extent outside the state.

Only through the establishment of such information bureaus, are bulletins of this kind made possible, or indeed, can a proper solution of our municipal problems be looked for. With the enormous concentration of population in our cities and the enormous expenditures of money which it involves, innumerable problems have arisen. As cities have become crowded, questions of housing and sanitation have arisen. As traffic and business interests have grown, problems of paving, dust prevention, and smoke abatement have appeared—prob-

blems of water purification and sewage disposal, of milk and food inspection, problems of organization and administration, of accounting, the regulation of public services, and special assessments, problems of public recreation and beautification, parks and playgrounds, questions of municipal employment, and a hundred and one other problems and questions incident to growth, and the spread of social intercourse. And with every change in the social, economic, and political conditions of the country, more of these problems arise. With every invention of a labor-saving device, with every new combination of capital, their number is increased, and their complexity multiplied. Great power plants are being developed; heating plants, water-power and electric plants, and other great industrial enterprises, which use the streets and furnish public service to the residents of our cities, are being added daily, and these raise questions of regulation. All these are problems with which the ordinary city official, however diligent, cannot familiarize himself during his short and busy tenure without special assistance.

These are the most important of all our problems of public administration. City government touches the citizen at more points, and is of more vital importance to his interests—business and personal—than any other government with which he comes in contact. It collects more taxes from him and expends more money. If its problems are to be wisely solved, and if each city is to benefit by the experience of other cities and profit by their successes or failures, city officials must have access to all available information and data upon these various subjects. They must compare notes. And if the municipal electorate is to vote intelligently upon these questions, and to judge correctly of the efficiency of its public servants, it must also have access to this same information. The municipal system and municipal accounts must permit of the direct application of this knowledge to the administration of public affairs.

To supply such information on one of these problems—municipal organization on the commission plan—is the purpose of this bulletin.

THE COMMISSION GOVERNMENT MOVEMENT

CRITICISM OF THE TERM

The term "commission government," as it has come to be applied to American cities, is somewhat confusing and unfortunate, especially in those states where "commissions" have been such important branches of state administration. It is confusing because when applied to state and to city administration it means two quite different things, and unfortunate because by application it has attached to a particular form of municipal organization all the prejudice and opposition that has grown up around an entirely different system of state administration. In this way the application of the name has to some extent at least impaired the popularity of the new form of city government, particularly among those who do not thoroughly understand its organization, although it may now be said that that extent is being rapidly diminished with growing familiarity with the system.

As applied to state and national administration the term "commission government" is used in connection with the growing practice of delegating to appointed administrative boards or commissions—the Interstate Commerce Commission, state railroad commission, tax commissions, boards of control, etc.—the administration of certain special or specified executive functions. These commissions are appointed by the president or governor for definite terms and take over from the executive complete control of that branch of the administration which falls within their province. From the standpoint of organization, then, "commission government" as applied to the state connotes decentralization, the delegation and division of authority and responsibility, and the disintegration of popular control. On this account the spread of the practice has developed considerable prejudice against the

number and scope of such commissions "taking away the real governing powers," as has been thought, from the representatives of the people, not only in the municipalities of the state, but often in the state itself. Unjust as this feeling has been in many, possibly most instances, it has left a more or less general dislike for the term "government by commission."

But as applied to city administration, "commission government" has a very different meaning. In striking contrast to its use in connection with the state, it is used to designate the most concentrated and centralized type of organization which has yet appeared in the annals of representative municipal history. Under so-called "commission government" for cities, the entire administration of the city's affairs is placed in the hands of a small board or council,—“commission,” as it was originally called—which is elected at large and responsible directly to the electorate for the government of the city. In short, *this council is the government*. The ordinary system of checks and balances, the separation of powers into legislative, executive, and judicial, is abandoned, all these powers combined, and concentrated in the hands of this one governing board. It levies the taxes, votes the appropriations, enacts and enforces the laws, administers the public services, superintends the entire administration of the city's business. Its members, usually five in number, are the only elective officers of the city; all others are abolished or made appointive by, and subservient to, the board. It employs its officers, clerks, and employes, and removes them at will. The administration is usually, though not always, divided between the members of the board, each being placed at the head of a department—public affairs, police and fire, parks and public property, finance and revenue, etc. Each member acts as general manager of his department, outlines its policy and represents it on the council or governing board. In brief, "commission government" as applied to cities is an attempt to apply present day commercial and industrial methods to the administration of municipal business.

ORIGIN OF THE TERM "COMMISSION"

Thus, what is popularly known as "commission government" in American cities is in reality not commission government at all, in the proper sense of the term, but "government by selectmen," aldermen-at-large, or by "boards of municipal directors." These latter names and others have been suggested as being more appropriate, but the term "commission" has now come to be so linked in the popular mind with the form of administration adopted in Galveston and Des Moines, that it would be impossible to change it at the present time. It originated in Galveston and was suggested because under Galveston's first charter a majority of the members of its administrative board were appointed and "commissioned" by the governor of the state. Although all the members were two years later made elective, the term "Board of Commissioners" was still retained and "commission government" came to be the name commonly used to designate that form of municipal organization, and still obtains, although most cities which have since adopted the plan have retained the terms, "city council", and "aldermen" or "councilmen" instead of "commissioners."

SPREAD OF THE MOVEMENT

Whether or not the commission form of government will be the dominant form in American municipalities it is impossible at this time to say, no cities except Galveston, Houston, and possibly, Des Moines, having as yet given it a sufficient trial. But if successful in those cities which are at present operating under it, the plan will exert a profound influence on the political thought of the country. It will prove that many of our traditional ideas with reference to the organization of government, particularly local government, require radical revision. The fact that it has already made a deep impression upon the popular mind is attested by the rapidity with which the movement has spread during the last five years. Eleven states—Texas, Iowa, Kansas, North Dakota, South Dakota,

Mississippi, Minnesota, Wisconsin, Illinois, South Carolina, and New Mexico—have passed general laws providing for the adoption of the plan by cities of sufficient population, and in all of these except Illinois and Mississippi,¹ one or more cities have taken advantage of the opportunity to reorganize their administration. In addition to these states with general laws, the home rule states—California, Colorado, Oregon, Michigan, Missouri, Oklahoma and Washington—permit cities to frame their charters in accordance with the plan, and with the exception of Missouri and Oregon, one or more cities in each of these states have already done so. Massachusetts, Idaho, West Virginia, and Tennessee have provided commission government for various cities by special charter.² In all, cities in at least seventeen states are operating under the plan, and present agitations in other states indicate that this number will be considerably increased after the legislative sessions of 1911. The number of cities which have adopted and are actually operating under the plan³ is variously placed from sixty to one hundred, according to the enthusiasm of the one making the estimate and his idea as to what constitutes commission government. It is probable that these estimates are somewhat too large, especially the higher ones, if only such cities are included as have followed fairly closely either the Galveston, Houston, or Des Moines type.⁴ So many modifications, however, have been introduced, in some of the more recent charters, and judgments as to whether they are really commission charters or not so vary, that the authenticity of any list must necessarily depend to a large extent upon the weight of authority which is accorded the one responsible for it.

CAUSES OF THE MOVEMENT

Many causes have contributed to accelerate this phenomenal spread of the commission system, chief among which is undoubtedly the failure of the old common council system.

¹ The Illinois law was passed at the last special session of the legislature (1910), the Mississippi law in 1907.

² Some include Missouri, placing the charter of St. Joseph in the commission class. See p. 27.

³ For list of cities operating under the commission plan see p. 132.

⁴ See pp. 23-33.

Without the failure of the old system, no new one could have been accorded the reception which has characterized the introduction of the commission plan. One of the common arguments used in almost every city where the plan has been adopted has been: "It can't be any worse than our present system; it may be better."

There has long been a widespread and growing dissatisfaction with the complexity and cumbrousness of our unwieldy city government. The common council system as it prevailed at the close of the nineteenth century has generally been adjudged a failure; it has failed to produce results—good results. Business has been prosperous; taxes have been high; but municipal services have been poorly and expensively done, or not done at all. Streets have been poorly cleaned and paved; paving contracts have dragged on interminably and the torn-up condition of the streets has become chronic; public service corporations have grown rich on the spoils of public exploitation. Graft and corruption have been repeatedly charged and not infrequently exposed. Indeed, the organization of our municipal government has been such as to encourage inefficiency and corruption—decentralized, irresponsible, with divided powers and responsibility, innumerable elected officials with the consequent dissipation of elective control, ward representation, with its petty wrangling, its factional jealousies, and its invitation to corporate interference and control—all these have been characteristics which have seduced the fall of the old common council system. And the causes of the failure of the common council system have been the reasons for the spread of the commission plan.

Again, the readiness with which American cities have accepted sudden and almost revolutionary changes in their form of organization during the last fifty years has created a receptive atmosphere for the introduction of the commission plan. American municipal history exhibits an unusual tendency to experiment with the framework of government. The original system in general was an importation from England. When it came to be applied, we found here, as they did abroad, that it had weaknesses—that discrepancies between theory and

practice arose. With the customary American inventive genius, our fathers proceeded to modify the framework of government—to increase or diminish the size or power of the council, to empower or impoverish the mayor, or to divest both and transfer their powers to appointive or elective boards or commissions. If the history of the American city be read, it will be found that such has been the practice in every case. Whenever administration has gone wrong, the legislature has gone back and “tampered” with the charter, so to speak. In every city it has been the same; all have gone back to the beginning each time, so that now, after a hundred years of experimentation, each finds itself nearly where it was in the beginning. The same troubles arose in England and on the continent, but instead of going back to the constitutional framework, to the fundamental basis of the system, and changing that, foreign cities have modified the machinery of administration in an effort to adjust it to the conditions to be met, that the theory of the system might be carried out in practice. As a result there has grown up in Europe a great administrative system of expert and professional municipal officials, which has made a success in Europe of a system which has proved a failure in America. The commission form of government is an attempt to secure this same administrative efficiency by a complete reorganization of the system of government.

This condition of political unrest, which has characterized American municipal development, and its resulting instability is traceable directly to a lack of adjustment between the form of municipal government and the functions which the modern city is called upon to perform. Little attention has been paid to these functions in the organization of municipal administration. We have proceeded on the assumption that the same system of organization should be applied to municipal government that is applied to state and national government, irrespective of the different functions which they perform, and that the same kind of public control can be depended upon in the one case as in the other. In the common council system, as in the federal system, control over the activities of the local government has been attempted through a form of organiza-

tion—a rigid adherence to the separation of powers, legislative, executive, and judicial—where the different organs of government are depended upon to control each other. It is characteristic of our “faith in mechanism,” that we have tried to devise an automatic system—“one so perfect in its adjustment as to assure efficiency and honesty without the necessity of constant vigilance and participation on the part of the electorate.” Such a mechanism the common council was originally supposed to be. It was divided into two chambers, each a check upon the other, and the legislative, executive, and judicial functions were separated with the same care that is displayed in the organization of our state and federal governments—all to relieve the citizen of the duties of citizenship.

But the failure of this system has undermined popular faith in the theory of the separation of powers. Efficiency in government cannot be secured by organization alone, nor can political abuses be remedied by simple changes in governmental organization. There is a growing conviction that effective official control lies, not in a system of checks and balances, or the detective work of one branch of the city administration on another, but in the standard set by an intelligent and informed public opinion. And the test of any system must be the ease and effectiveness with which it responds to popular control. The old theory that the administration of the government must be made as difficult as possible through a system of checks and balances, the division of power, and the dissipation of responsibility, is giving way to a new theory, that city officials shall be given wide powers and then held to strict legal accountability in the exercise of them by a high standard of administrative efficiency set by a well organized and insistent public sentiment. All this has paved the way for commission government. It has brought about a change in the attitude toward municipal affairs that has found expression in a new type of municipal organization, thought to be more in harmony with the functions which a city performs, and with the principles of modern business organization.

Another influence which has tended to prepare the way for commission government is the growing favor with which the

analogy between the municipal corporation and the business corporation has been received. The belief that municipal administration is primarily a matter of business, to be managed largely in the same way as other large business enterprises, has taken a tremendous hold upon the popular mind, especially the ordinary business man, and has profoundly affected the attitude of the public toward municipal affairs. It has paved the way for a form of municipal organization based upon business analogies in which the old theory of the division of powers is discarded altogether.

To what extent this analogy is true is, of course, a question on which there will be differences of opinion. But that it has a large element of truth, and that it has exerted a profound influence in the spread of the commission plan, few will question. A no less distinguished scholar than Charles W. Eliot, President Emeritus of Harvard, says: "Municipal government is pure business and nothing else—absolutely nothing else. To the performance of business functions in an intelligent and honest manner, the notion of representation by districts of population has no application, no sensible application. Therefore, the whole structure of our municipal governments in two representative chambers, the senate and the house of representatives, is entirely false in theory. It always has been, and its dead failure is the result of the fact that it has no sound theoretical basis."¹

This has come to be the attitude of mind of the average business man of today. He looks upon the work of administering the affairs of a city as in every essential respect akin to that of conducting the affairs of a private business corporation. The salient characteristic of sound corporate management is the centralization of power and responsibility in the hands of a small board of directors. If concentrated management of this kind can succeed in the administration of such great corporations as the United States Steel Corporation, the New York Central, Union Pacific, and other railroad companies, and such great banks as the City National of New York,

¹ Charles Eliot, President Emeritus of Harvard University, in an address before the Boston Economic Club, January 11, 1907.

with deposits aggregating nearly two hundred and fifty millions, why should it not bring success to the administration of the business of a municipality?

This same tendency and the reasons for it are also noted by Professor L. S. Rowe of Pennsylvania, although in another connection.²

"Our inherited ideas of democratic government have dictated a form of city organization in which the local representative assembly or city council occupies an important position. The same political traditions dictate that the higher administrative officials of the city, no matter what their functions, shall be chosen by popular election. It is a significant fact that this tenacious adherence to what we regard as the essentials of democracy has been contemporaneous with a totally different movement in other branches of administrative activity. The management of great business enterprises is being concentrated in the executive heads of industrial corporations. The responsibility for the conduct of the affairs of educational and charitable institutions is likewise drifting from the board to the single executive head. Even in the management of the affairs of the church the tendency toward the concentration of executive power is apparent. Wherever the form of board management is still preserved, the actual control and responsibility are vested in one individual, whether he be called the president of the board or the chairman of the executive committee. However we may regard this tendency, there is every indication that it is not merely a passing phase, but that the immediate future will witness a strengthening of its influence.

"Tendencies so clearly marked in American business and institutional activity are certain to exert an influence on the administration of public affairs. We cannot hope permanently to preserve the illusion that political organization can be kept free from the influences which are dominant in every other department of our national life."

So that while the analogy between a business and municipal corporation may be faulty in many respects, it nevertheless

² *Problems of City Government*, p. 198

indicates that the popular view of the administration of the city's executive business is moving toward the standards which have proved so successful in the business field. Popular sentiment is prepared to accept the same administrative standards, and the same administrative methods, in municipal affairs that prevail in the business world. Probably this fact has done more to promote the spread of the commission plan than any other that has been mentioned.

ORIGIN AND PRECEDENTS

Despite the popular impression that the commission form of local administration is a novelty in American government, it is in essential principle by no means new in the United States. In fact, it is as near a return as present day conditions will permit to the old colonial system of town and city government, where municipal powers were concentrated in a local elective assembly, which not only determined the policy of the municipality, but appointed all administrative officers, including the mayor, who was given no special executive functions, no veto power, and no power of appointment, but was made merely the presiding officer of the city council, the same as under the present commission plan.

Nor is the commission plan in any very important respect different from the New England system of town government. The New England selectmen are nothing more nor less than a commission of three, elected at large, and operating by majority vote the same as at Galveston and Des Moines. The administrative and legislative functions are combined, and the selectmen in their jurisdiction represent a complete fusion of local power and responsibility. In the same way our county governments have long been administered by elective commissions or boards of supervisors, in which the executive and legislative functions are combined. Throughout the South, and even to some extent throughout the North, this board has been known as the "Board of County Commissioners," and has usually consisted of three or five members elected at large. Our national capital has been governed by a commission since 1873, the commissioners in this instance being appointed by the

president instead of being elected. Memphis, Tennessee, after the yellow fever scourge of 1878-9 was administered by a similar commission appointed by the governor of the state. These last two instances are not examples of what we now understand as commission government proper, for an essential principle now recognized in the commission plan is the election of the commissioners at large, but they served as hints for adaptation to the present system, and as a matter of fact, probably played a larger part in shaping the Galveston charter than any of the precedents yet mentioned. Copies of both the Memphis and the Washington charters were in the hands of the framers of the Galveston plan at the time that plan was drafted.

In this connection should also be mentioned the growing tendency in many cities to deprive the city council of many of its legislative powers, especially its financial powers, and to transfer these powers to administrative boards and officers. Formerly it was thought that the determination of the financial policy by the representative assembly was one of the fundamental principles of popular government—"no taxation without representation;" but so deeply rooted has become the popular distrust of local legislative bodies, that even the control of finances—the most important of the early legislative functions—has been taken out of the hands of the city council in many cities and given to boards of estimate and apportionment. Indeed, in most cities the budget is now framed by the chief executive officials of the city. Thus the making of the budget has come to be an administrative matter.

This is particularly true of the large cities. In Greater New York the framing of the budget is intrusted to a Board of Estimate and Apportionment, made up of the mayor, the comptroller, the president of the board of aldermen, and the presidents of the five boroughs, into which the city is divided. The budget, as framed by this board, is submitted to the municipal assembly, which has the privilege of reducing the various items of appropriation, but not of increasing them. All reductions made by the municipal assembly must be submitted to the mayor for approval, and if vetoed by him must be repassed by a five-sixths majority of the assembly. If the municipal

assembly for any reason fails to act on the budget, as prepared by the Board of Estimate and Apportionment, within twenty days, it is considered to have been passed. Baltimore, Cleveland, and other cities have adopted similar plans of fixing the responsibility for the financial policy of the city on a few administrative officers with large powers.

This is, of course, an application of the commission government principle to the administration of the city's finances. As a precedent or tendency toward commission government, it is especially significant because of the importance which the administration of the financial department of a city bears to the whole administration of the city government. That the financial department should be the one chosen in which to introduce this principle is significant, and should have its effect in furthering the spread of the commission plan.

The precedents thus far mentioned have been precedents of the general principle of commission government. There were, however, at least two precedents of the actual plan. In 1863 Sacramento was given a charter³ which conformed very closely to what afterward became the Galveston plan. The government of the city was placed in the hands of a governing board called the "Board of Trustees," composed of three members elected at large for terms of two years. These trustees were known as the First, Second, and Third Trustee, respectively, and each was placed in charge of a department. The First Trustee was president of the Board of Trustees, and the general executive officer of the city. He presided over the meetings of the board, made recommendations to it, and was charged with the general supervision of all subordinate officers of the city. In addition, he was put in special charge of the police department. The Second Trustee was made commissioner of streets, and the Third, superintendent of waterworks.

This plan apparently worked very well, but yielding to the tendency of the time, and the constant pressure of politicians, other officers, boards, and commissions were from time to time created by the legislature, and given various branches of the

³ Session laws of California, 1863, p. 415.

administration, until at length the Board of Trustees became a purely legislative body, shorn of all administrative power, and in 1893 was entirely replaced by the common council system with a mayor and nine ward aldermen.⁴

New Orleans affords even a more striking precedent. In 1870 New Orleans was given a charter⁵ which outlined almost exactly the later Galveston plan, even in many of its details. This charter provided for a "Board of Administrators," composed of a mayor and seven (instead of four as at Galveston) administrators, which was intrusted with the government of the city.

The administration was divided into seven departments, viz., Finance, Commerce, Improvements, Assessments, Police, Public Accounts, and Water Works and Public Buildings, an administrator being placed in charge of each department. The first members of the board were appointed by the governor, but at the first election which occurred in November, 1870, the mayor and three administrators, and in 1871, the remaining four administrators, were elected at large for terms of two years. The board held weekly meetings, appointed and removed all subordinate officers, and performed all the duties later imposed on the Board of Commissioners at Galveston. The plan was in operation twelve years, until a new charter was granted in 1882. Again here, as at Sacramento, the plan seems to have worked fairly well, but was unpopular with the politicians, and was finally overthrown by manipulation of the colored vote, a danger which is always imminent in the South.

It is possible that other precedents may be found, but enough has been said to show that the commission form of government is not the innovation which it has sometimes been thought to be. On the other hand, the instances cited have been scattered, and have produced no noticeable effect upon the trend of American municipal organization. It was left for

⁴ It is interesting to note in this connection that Sacramento is now endeavoring to secure a commission charter of the modern type. A "Citizen Charter Committee" has been selected and is at present at work on the draft of a new charter. The partial first report of this committee provides for the government of the city by a board of city commissioners composed of a mayor and four commissioners.

⁵ Session laws of Louisiana, 1870, p. 30.

Galveston to design the plan and attain the success which has given the impetus to the commission government movement in this country.

WHAT COMMISSION GOVERNMENT IS

Although no recent scheme of municipal reorganization or political reform has met with the popular favor, or spread with the rapidity that has characterized the commission government movement, there is little doubt but that the extent of its spread has been somewhat exaggerated. And this exaggeration is due mainly to two reasons, namely: (1) a lack of knowledge as to just what commission government is, and (2) the fact that after it has been repeated several times that a certain city is studying commission government, or has voted *in favor of adopting commission government*, it comes to be repeated that *it has adopted it*, as was recently the case with Buffalo, Mt. Vernon, several cities of Oklahoma, and of California, whereas most likely, the commission charter has yet to be drafted, and even then submitted to popular vote for approval, or passed by the state legislature. Frequently, such charters fail of approval or passage. Then, frequently, we hear cities heralded as having adopted the commission plan which, when we come to examine their charters, we find have not adopted commission government charters at all, but charters into which have been incorporated but one or two features of the commission plan, as was recently the case with St. Joseph, Missouri.

Now, it has so happened that the movement for commission government has developed *pari passu*, side by side, with the movement for town promotion and city advertising, which has taken such a tremendous hold upon the progressive municipalities of the day, and that certain commission governed cities, particularly Galveston and Des Moines, have been quick to seize upon the advertising features of the plan to boom the city. In this way the commission plan seems to have acquired a distinctive advertising value. Galveston and Des Moines are

probably known more widely throughout the United States, if not indeed throughout Europe, because of their type of administration than of anything else. The result has been that many cities, while desiring the advertising and notoriety that have usually accompanied the adoption of the commission plan, yet unwilling to abandon the old form of organization entirely, have adopted one or more features of the commission plan and then advertised themselves as commission governed cities. So that at the present time we have under the general classification "commission government," types of municipal organization ranging all the way from the pure commission plan of Galveston and Des Moines to the equally pure common council plan of St. Joseph, Missouri with the council reduced to five or seven aldermen.

Thus it has become important to define exactly what constitutes commission government, if it is to have a fair and intelligent test in this country. The administration of many of these cities which have gone but half way—which have abandoned the checks and balances of the old system without adopting the safe-guards of the new—is bound sooner or later to prove a failure. Unless the failure of these cities reflect upon the success of commission government proper, and bring discredit upon the plan, it is necessary to draw the line clearly dividing the two, that the success or failure of commission government may rest upon its merit, unhampered by the failure of various forms of organization which are parading under that name.

While there are, as will become apparent later from this discussion, several types of commission charters, and all vary to a large degree in detail, there are certain general principles without which a charter cannot properly be placed in the commission class—certain earmarks, so to speak, which are absolutely necessary to identify it as a commission government charter. On the other hand, there are certain principles which if incorporated in a commission government charter so vitiate the whole that it can no longer be called such in the proper sense of the term. Again, there are certain principles, which have probably been more frequently incorporated in commis-

sion charters than in charters of other types and which have accordingly come to be associated in the popular mind as essential features of the commission plan, which in reality have nothing more to do with commission government than with any other type of municipal organization. Such features may or may not be incorporated in a commission charter without in any way affecting the status of the charter as respects the commission plan.

ESSENTIAL FEATURES OF COMMISSION GOVERNMENT

The features essential to the commission plan are, roughly, four in number, and as follows:

First: There must be a *complete centralization and concentration of all power and responsibility in a small council or commission*, usually of five members, thus doing away with the separation of powers into legislative, executive, and judicial, and abandoning the ordinary checks and balances thrown around our federal system and at present around our common council system, to protect the people against themselves. This is the most essential feature of the entire plan. The fundamental principle of commission government is that official responsibility shall be definitely fixed, and furthermore, that it shall be fixed on just those officials elected by the people. The council or commission is directly charged with, and is responsible for, the entire administration of the city's affairs—*it is the city government*. It is the theory of the commission plan that this responsibility to the electorate shall be the only check placed upon the actions of the commission, and that consistent with this responsibility the council shall have the power to administer the affairs of the city in such a way as best subserves the public interest.

This does not preclude the establishment of certain administrative boards or committees—library boards, park boards, boards of health, etc.—but such boards must be responsible to the city council. Their members must be appointed by, and removable by, and all their actions subject to the approval of, the city council. It is evident that this must be so if the

council is to be held responsible to the electorate for their actions and the efficiency of their departments.

Second: The members of this council or commission *must be elected at large and not by wards*, and therefore, represent the city as a whole, not subdivisions of it. The commission plan does not rest upon district representation.

Third: The members of this council or commission *must be the only elective officers of the city*, with the possible exception of the auditor and in some cities of the school board, *and must have the power of appointing all subordinate administrative officials*.

Fourth: Not only must this council or commission have the power of appointing all subordinate administrative city officials, *but it must have the power of removing them at will*, in order to keep them directly responsible to the commission, and the commission directly responsible to the people for the administration of the city's affairs.

These four principles are absolutely essential to the commission form of government pure and simple. As one or more of them is lacking, just to that extent is the commission principle violated. So if the city treasurer is elected directly by the people, or the city attorney, or city engineer, it is impossible to have a pure commission form of city government, because that division of responsibility militates against the principle lying at the very base of the commission government idea. Commission government is predicated upon the idea that the commission shall be responsible. If subordinate administrative officials are elected, they are responsible not to the commission but to the people, and responsibility for the city administration becomes at once divided. The city council or commission cannot be held responsible for the acts or official conduct of officers over whom it has no control and with whose selection it has nothing to do.

The same thing holds true of appointive officers who have a fixed tenure. If an official is appointed for one, two, or four years, he becomes practically irresponsible, except as he may be swayed by public opinion or desire for reappointment, unless the appointing power also has the power of removal.

Once in office, he is there for his term and cannot be removed except for cause—that is for neglect of duty or malfeasance in office. It is not the power of appointment that enforces responsibility, but the power of removal. Mayors under the common council system usually have wide powers of appointment, but they cannot be held responsible, since if an appointee does not turn out to be efficient, or does not meet expectations, the mayor cannot remedy the short-coming. The only way such an inefficient public official can be removed is by impeachment or some other equally cumbersome method. In order to insure responsibility, the city commission must have the power to remove any appointive official at any time by merely voting a lack of confidence.

So a small council of three or five members elected at large and called "commissioners" is not sufficient to place a city in the commission class, but the whole machinery of administration must be so readjusted as to make the theory of central control actual. All lines of municipal activity and official responsibility must converge in the city council. It is the failure to appreciate this fact that has led to so much confusion and to the spread of so much misinformation regarding commission government in cities. An illustration will suffice to make this plain.

St. Joseph, Missouri, has been heralded from one end of the country to the other as having adopted the commission plan. Its new charter, which was adopted in September, 1909, provides for a council composed of five members elected at large for a term of four years, and for a mayor elected for two. The mayor, with the consent of the council, appoints the city assessor, the city councilor, the city comptroller, and most of the other city officials. Thus far it has the appearance of the commission plan. A closer examination of the charter, however, shows this impression to be misleading. The charter, section 15, says: "The legislative power of all cities of the first class shall be vested in a municipal assembly, to be known as the 'common council of the city.....' which shall consist of five members, to be elected from the city at large by the qualified voters thereof for a term of four

years and until their successors are elected and qualified.” Again, section 38, it says: “The chief executive officer of such city shall be the mayor, . . .” In other words, there is a separate legislative and a separate executive department. The mayor is not a member of the city council, does not preside at its meetings, nor take part in its deliberations. On the other hand, he is given the veto power, and is set up as a check on its proceedings. The council in turn is set up as a check on the executive, since it may refuse to confirm his appointments. The first and most essential feature of the commission plan is violated. Responsibility for the administration is divided at its fountain head.

Nor does the division of responsibility stop there. The city auditor, who is not only the auditor but the accountant of the city, the city treasurer, and the judge of the police court are elected by popular vote—another departure from the commission plan.

Then there is a board of police commissioners, three in number, appointed by the governor of the state for three years. This board has complete charge of the police department, appoints the chief of police, all police officers and patrolmen, and keeps its own records. The public library is under the control of the directors of the public library, nine in number, appointed by the mayor for three years. A public utilities commission is provided for, which has complete charge of all public services. It is composed of five members, and charged with the duty of receiving and investigating complaints, fixing rates and charges of public service corporations and determining the character of the service, of supervising and regulating the manufacture, sale, and distribution of water, gas, electricity, light, heat, and power, of regulating the kind and character of meters, etc. No franchise can be granted, transferred, or amended without its authorization. In addition the charter provides for a board of health and a board of public works to be appointed in the same way.

In other words, the city council or commission has no power over the police department, public library, health department, department of public works, public utilities, or over franchises,

or public service corporations, or the supervision of public improvements. A farther departure from the principles of commission government cannot well be imagined. The St. Joseph system is the common council system with the number of aldermen reduced to five. It is no nearer the commission plan than the charter of Pittsburg, New York, or Philadelphia. In a similar way, an examination of the new charters of Boston, Massachusetts, Indianapolis, Indiana, Waco, Texas, and several other cities which have been accredited with having adopted the commission plan, will further illustrate the necessity of discriminating between those cities which have actually adopted the plan and those which have merely disguised the old system.

NON-ESSENTIAL FEATURES OF COMMISSION GOVERNMENT

On the other hand, there are certain non-essential features which have become so associated in the popular mind with the commission form of government that they are looked upon as essential parts of it. Most important among these are the initiative, the referendum, and the recall. Following the lead of Des Moines, these have been incorporated in nearly all recent commission charters, as they have been in nearly all recent charters of other types, but they are in no way essential features of the commission plan, any more than they are essential features of the common council plan. The commission form of government is a plan of organization; the initiative, referendum, and recall are methods of direct legislation—devices for enforcing popular control, and may be applied to public officials and official conduct under one form of organization as well as another. There is no more reason, therefore, why they should be connected with commission government than with any other type of city organization. Indeed, there would seem to be less reason why they should be applied to commission government than to the less centralized types of organization, where official responsibility is less easily fixed. Under the commission plan, responsibility for the entire administration is focused on the board of commissioners. If its conduct of the affairs of the city is unsatisfactory, or inefficient,

the entire electorate knows at whose door to place the blame; the board or some one member of it is responsible. Thus the electorate can effectively wield its electoral control. Under the common council plan, on the other hand, it is, in the majority of cases, impossible to thus definitely fix official responsibility, and consequently, to bring elective control into effective operation. The necessity of other forms of control, or rather other expedients for enforcing popular control, thus becomes urgent—a necessity which resulted in the institution of the initiative, referendum, and recall in nearly all forms of municipal organization.

It is also true, as a matter of fact, that the initiative, referendum, and recall, were used in cities under the common council plan before they were in cities under the commission plan, and that at first, they were not included in the commission plan, but were only introduced to meet the objection that the commission plan, *per se*, was undemocratic. Galveston and Houston provided for no one of the three in their charters, and Des Moines introduced them only after its first charter bill had failed to pass the state legislature. Conversely, it may be said that they are in no way inconsistent with the commission plan, and it is probable, will continue to be included in new commission charters as they are passed. The electorate is bound to be an increasingly important factor in government as it becomes more intelligent, and our systems of organization, and the machinery of government become more perfect.

Another non-essential feature frequently connected with the commission plan is provision for a civil service commission. This is also a recent attachment to the plan. The earlier charters did not provide for civil service, but, as in the case of the initiative, referendum, and recall, recent charters have made provision for it. Fundamentally, civil service has nothing to do with commission government. Insofar as it might apply to policy-determining officers, or interfere with the freedom of the commission in carrying out its policy or selecting its administrative assistants, it would be inconsistent with the commission plan, in that the commission plan contemplates giving to the commission, power to administer the affairs of the city

in the way which best subserves public interest, and to secure those assistants, officers, and employes, who in its judgment are best qualified to perform the services for which they are retained, holding the commission only responsible for the ultimate results which it is able to attain. As a matter of fact, civil service regulation under the commission plan has been confined, as may be seen from the comparative analysis, to purely clerical assistants and employes—a very narrow field of municipal employment. Undoubtedly, there are arguments for and against civil service under the commission plan, but, as it does not enter vitally into the theory or practice of the plan as such, they will not be taken up here.

The matter of the essential and non-essential features of the commission plan cannot be passed, however, without comment upon a practice, referred to elsewhere in this treatise in various connections, which is quite general among commission cities, and which is apparently inconsistent with the commission plan, namely, the segregation of public education. In almost all cases the department of education and the administration of the public schools is taken out of the hands of the city commission and given to an independent board of education. In some cases the budget even is voted by this board, though it is usually subject to the approval and final passage of the commission. But the details of administration are left entirely to the board of education. Its members are usually elected directly by the people, and cannot be removed except as other elective officers are removed. The question immediately arises, is not this a violation of the commission principle, equally serious with the separation of the police department, or the administration of parks? The amount of its annual expenditures, and their proportionate relation to the total expenditures of the city, makes it all the more important. Theoretically, this is undoubtedly the case. There is no more reason why the educational department should be taken out from the supervision of the commission, than that the police department, the department of parks, or any other department of the city administration should be taken out from its supervision and control. In fact, many of the foremost educators

of the country are of the opinion that the administration of the schools should logically be placed in the local governing board. The theory of commission government would certainly confirm this opinion. But as a matter of fact, there has been a growing tendency in the United States, since before the commission form of government was inaugurated, to place the administration of the public schools under a separate board of education, subject to a more or less rigid supervision by the state. Consequently, the administration of the department of education has been less inefficient than other departments of city government in those cities, and when the commission plan of government was introduced, the administration of the schools, not being under the old common council, and being comparatively satisfactorily administered, was left unmolested and omitted from the jurisdiction of the new commission. This was the case in Galveston, Houston, and the other cities of Texas, and was also the case in Des Moines. Thus, while logically the department should have been placed under the supervision of the commission, as a matter of fact, it never has been. So long as these independent school boards continue to administer their departments as efficiently as the other departments of the city are administered, the administration of the schools will, in all probability, be left in their hands; if they cease to so administer them, they will undoubtedly be abolished, and their functions transferred to the city commission, where a separate commissioner will assume charge.

Thus, the fact that the practice has been utterly at variance with the theory, that the department of education was not included in the original commission charters, and has not been included in the most recent ones, and that the supervision of the state in matters of education has been and is more marked than in other departments of city administration, are the only reasons advanced in this treatise for not treating the administration of the schools by boards independent of the commission as a violation of the principles of commission government.

In a similar way, but for another reason, exception may also be made in the case of the city auditor. In many commission governed cities the auditor is not appointed by the com-

mission, but is either elected at large or appointed by some outside body or official. The object of this is, of course, to take the auditing of their own accounts out of the hands of the commissioners. Inasmuch as the auditor need not be a city official, has nothing to do with determining the policy of the administration or carrying out the policy once it is determined, and inasmuch as he is not burdened with other duties foreign to his office as auditor, this practice should not be considered as a departure from the commission plan. The best practice would seem to be that of securing the services of certified public accountants for purposes of annual or semi-annual audit, a practice followed in many of the recently adopted commission charters. Insofar, however, as the auditor is intrusted with other duties, as for instance, being ex-officio city clerk, city comptroller, or city treasurer, his appointment by other than the board of commissioners cannot be looked upon as anything but a departure from the principle that all subordinate officers must be appointed and removed by the board of commissioners.

THREE TYPES OF COMMISSION GOVERNMENT

There are three general types of commission charters, represented respectively by Galveston, Houston, and Des Moines, each of which contains all of the essential features enumerated in the preceding paragraphs, but differs sufficiently from the others in the distribution of administrative functions to be characterized as a separate type. Practically all commission charters which have been enacted since these laws were passed have been modeled after one or another of these three types. In all three the government of the city is placed in the hands of a small board composed of five members, all of which are elected at large—one being elected as mayor—and the administration of the city's affairs divided into five departments with a commissioner or councilman at the head of each.

In Galveston and Des Moines the board elects by majority vote each commissioner to the head of his department, but in Houston this apportionment is made by the mayor. The mayor is charged with the general oversight of the affairs of the entire city. He is its general manager. A single commissioner is at the head of each department and responsible for the administration and efficiency of that department. He represents it on the board of commissioners, outlines its policy as an expert in that field, and is the one to whom all questions of its management and operation are referred. He must, however, go to the board for final authority to act. All official business must be sanctioned by the board. The board as a whole draws up the annual budget, votes the appropriations, and awards all contracts. All actions by the board are taken by motions, resolutions, or ordinances, which must be put in writing and read before a vote is taken, and the votes of each commissioner recorded in the minutes of the session. The commissions, either by election or appointment, select the subordinate administrative officials, clerks, and employes of the city, and determine their salary, tenure, qualifications, and duties. All

such officers or employes may be removed at any time by a majority vote of the commission.

In all these general outlines the three types of charters closely correspond. The differentiating features of each will be taken up in order.

THE GALVESTON PLAN

The commission government of Galveston was inaugurated under unusual circumstances; it was an emergency measure. In 1900 the city was visited by a great storm and tidal wave which destroyed a third of the property and drowned over a sixth of the entire population of the city in a single night. Public buildings were wrecked, paved streets washed away, the municipality ruined. Nothing was left but wreckage and debts, and yet on top of this, without money and without credit, it was necessary to create more debt. Millions had to be spent in public improvements. Worst of all there was no money. Tax-payers could not pay their taxes. Although in 1899, the city had been the fourth wealthiest city per capita in the United States, its municipal bonds immediately fell to sixty. Thousands of people were hurrying away and there were grave doubts as to whether or not the city could ever be preserved. To retain its population, confidence had to be restored and the city assured of protection against a repetition of the disaster.

Under the strain the old municipal organization broke down. For years the annual expenditures had exceeded the receipts. Each year this deficit had been made up by the issue of bonds, until nearly three millions of debt had been accumulated in this way alone. The enormous demands upon the civic treasury presented by this new catastrophe brought matters to such a crisis that the Texas legislature was called upon by the business men of Galveston to take heroic measures to meet this financial problem. As stated by the citizens' committee, it was a case of civic life or death, and not only of the city alone, but of the citizens themselves, for the fortune of the individual was bound to that of the city. The city was acknowledged bankrupt; it had defaulted for some time in the payment of

interest on its bonds. Its finances having been conducted by the old administration on the basis of exploitation rather than of public interest, the future, thus heavily discounted, proved unequal to the drafts made upon it. To the governor's inquiry as to what was available for immediate relief, the answer was, that so far from having a surplus, the city's floating indebtedness was still on the increase. So utterly unsound was the city's condition, and so powerless the locally constituted government to deal with it, that state aid was opposed, both by the governor and in the legislature, unless the form of government were changed and the administration placed immediately under the control of the state.

The old municipal framework of mayor and twelve aldermen was abolished root and branch and by a new charter granted in 1901, the administration of the city's affairs was intrusted to a commission of five members, three appointed by the governor and two elected by the citizens of Galveston at large. The original draft of the charter, which was presented to the legislature by the citizens' committee, provided that all members of the commission should be appointed by the governor, but this plan was so strongly opposed by the local politicians that it was finally amended in accordance with a compromise, making three members appointed by the governor and the other two elected at large.

In this connection it should be observed that it was the deliberate intention of the framers of the Galveston plan to take local government out of the hands of the people. They did not want self-government; they had lost faith in democracy. All efforts at electoral reform had failed. Citizens' movements being impossible, owing to the peculiar political conditions existing throughout the South, the only alternative was the surrender of local autonomy. Following the precedents of Washington and Memphis they believed that better men could be secured through appointment by the governor than election by the people; that, in fact, in no other way could the city government be rescued from the control of the corrupt element which had dominated it for the past twenty years, and be placed in the hands of those alone who could again

place the city on a firm financial foundation. And, indeed, there was no small justification in this stand, for Galveston at the time was the second port of export in the United States, and had, because of that fact, an extremely large population of uneducated voters. It had, and still has, the rough class of dock laborers, negroes, and sailors common to the seaport town. It was this class, upon which the best element could never depend, and which the politicians could control, that had maintained the old administration in power. Despairing of ever being able to gain control, the property owning class turned to the governor.

The new administration met the expectations of its friends until a drayman was arrested and fined twenty-five dollars for violating a sanitary ordinance and the constitutionality of the new charter was taken into the courts. The Supreme Court decided that certain functions which the commissioners were authorized to assume could only be exercised by elective officers, and that the provisions of the charter providing for the appointment of a majority of the commissioners by the governor, violated the constitutional provision for local self-government. Accordingly, in March, 1903, the legislature amended the charter making all the commissioners elective, and an election was held at which all five commissioners, including the three appointed by the governor, were endorsed by the voters at the polls.

As at present organized, then, the local administration of the city of Galveston is placed in the hands of a board of commissioners composed of five members, a mayor and four commissioners, all elected at large for terms of two years. All the powers of government reside in this commission and a majority vote on any subject is final. By a majority vote all ordinances are passed, all appropriations voted, and all city officers and employes elected or appointed. The mayor is the presiding officer at all meetings and is styled "Mayor-President." He has a vote as member of the commission, but no veto power. The Mayor-President is elected especially to his office, but the other commissioners are not, though the

voters are practically certain when they cast their votes which office each commissioner will assume.

The business administration of the city is divided into four departments—finance and revenue, waterworks and sewage, police and fire, street and public property—and the commission at its first meeting after election elects, by a majority vote, a commissioner to the head of each department. A single commissioner is, therefore, immediately responsible for the administration of each department. He represents it on the board of commissioners, outlines its policy as a specialist in that line and is the one to whom all questions concerning its operations are referred. Although appointments are made by the board, the recommendations of each commissioner are accepted with respect to his department. The mayor is assigned to no particular department but has general supervision over the affairs of the entire city. Both the mayor and commissioners must come to the board for their authority to act. Action is only taken by ordinance, motion, or resolution, and all ordinances, motions, or resolutions must be reduced to writing, and read before being voted upon, and the vote must be recorded. The board, as a whole, draws up and passes the annual budget, awards all contracts, and makes all appointments even to the judges of the corporation court. The plan represents a thorough and complete centralization of all power, legislative and executive, and a definite location of official responsibility, except that the administration of the public schools is placed in the hands of a separate elective school board. All other matters are under the control of the board of commissioners.

A feature peculiar to the Galveston plan is that it does not require its commissioners to devote their entire time to the service of the city. The mayor is required by the charter to devote six hours a day, but no definite amount is named for the commissioners. As a rule they devote on the average about two hours. This feature differentiates the Galveston plan from practically every other commission charter that has since been adopted. Houston inserted in its charter a requirement that the commissioners devote their entire time to the

duties of their office and most other cities have followed Houston, either by similar provision, or by interpretation. The Galveston plan makes the commissioners managers instead of actual superintendents of their departments. They represent the department, outline its policy and decide all matters of its daily conduct, but they do not take over the actual management of the routine. Their superintendents under them do that. They simply advise and direct. The work, consequently, can be undertaken by business men without requiring them to give up their business pursuits to serve the city. On the other hand, the city in this way is able to receive the benefit of the good judgment and business acumen of business men of whose services it would be deprived should it demand their entire time. To illustrate, the commissioner of finance and revenue is probably the most promising young business man in the city—a practical banker, president and director of several banks and trust companies, president of the cotton exchange, and actual manager of large business interests. The mayor also, until recently, was a large wholesale merchant with wide and varied interests in local business affairs. Of the services of these men the city would be deprived should it demand their entire time. The amount of time required will, of course, vary according to the temperament of the individual and the demands of the city. The mayor receives a salary of two thousand dollars per year and each of the commissioners twelve hundred.

With the exception of one or two small towns in Texas, this feature of the Galveston plan has not been followed in any of the recent commission charters, notwithstanding the fact that it should be especially applicable to the smaller cities under the commission plan. Instead of requiring the five commissioners to devote but a few hours a day to the administration of their departments, and attempting to secure the best business men for the service of the city in this way, the recent tendency appears to be rather toward reducing the number of commissioners from five to three, and requiring them to devote their entire time to their public duties. The total expense of administration is in this way kept commensurate with the de-

mands of the city, but it still remains a question whether as efficient administrators are secured as might be under the Galveston plan.

THE HOUSTON PLAN

The second general type of commission charter is represented by that of Houston, which was the second city in the United States to adopt the commission plan. In Houston the conditions leading up to the change were not spectacular as in the case of Galveston, but the outgrowth, rather, of the new success of the Galveston plan, and the rivalry which existed between the two cities, as indeed exists between most of the cities of the South.

The extraordinary success of Galveston under its new form of government immediately affected Houston, sixty miles away. Although Houston had suffered no great disaster, it was facing a financial condition little better than that of its rival city after the flood. It was ill-served by a system of mayor and aldermen, numerous heads of departments, inspectors, boards and commissioners, with the usual diffusion of power and responsibility, and was burdened with a tremendous bonded indebtedness as well as an obstinate floating indebtedness of over \$400,000. Bonds had been voted and the money spent, and then oftentimes the work promised was not half done. This had been the procedure for years. One administration spent \$100,000 in street improvements. Miles of gravel pavement were constructed without adequate drainage, and in less than a year the entire pavement was washed away or had sunken out of sight. Under another administration the city paid \$500,000 for a city hall which was restored—it was destroyed by fire—for less than \$80,000. The man who was mayor at that time recently died in Chicago, a millionaire. At the time another administration retired, its books and records were stolen from the auditor's office to prevent the revelation of graft and theft. Each administration carried on a continuous warfare with the water company and had for twenty years, and it was the general belief that no ordinance affecting that company could be passed without the expendi-

ture of boodle money. Union labor had a controlling grip on everything. No one but a union man could get a job, and contractors, if they wished to get their share of the city's business, must "fix things up with the unions."

But although political rascality was at times responsible for the mismanagement and maladministration of the city's affairs, it was not always so, for there had been administrations with honest men in the ascendency. But the municipal system was wrong. Public improvements undertaken during one administration were sure to be ill completed or allowed to go to pieces from lack of repair during the next. An administration in the late '90's spent \$350,000 for a new sewer system with pumping plant and filter-bed attachment for purposes of purification. By reason of political jealousies later administrations permitted this expensive system to go to ruin through neglect. Another administration erected a garbage crematory at a cost of \$12,000 and in a year it was out of service because of incompetence in its handling, and because there was "nothing in it" for the administration that was "in." Factional fights were always bitter and improvements which were the pride of one administration were pronounced failures by the next, and were uprooted or permitted to go to decay.

Houston, like Galveston, had made numerous attempts to improve its city government. It was granted a charter in 1893, under which the government of the city was administered by a mayor and two aldermen from each ward. This did not prove a success and in 1897 another charter was secured. Under this, the aldermen as well as the mayor were elected at large. But although elected at large, the aldermen still virtually represented wards, as not more than two of the twelve aldermen could reside in any one of the six wards, and the removal of an alderman from his ward served to vacate his office. In 1903, still another charter was secured that remained in force until the next meeting of the legislature, and it was this charter that was in force when the commission plan was adopted in 1905. Under it the government was administered by a mayor, twelve aldermen, two from each ward, a tax assessor and collector, city marshal, treasurer, health officer, and a

street and bridge commissioner, all elected at large, and practically independent of each other except insofar as they cared to coöperate or work in harmony. Each of these officials practically appointed his own force through an understanding with the mayor. A man once placed was safe until the end of his patron's term whether he worked or not. The city hall swarmed with inspectors; everybody and everything had to be inspected. There was an inspector of weights and measures, a milk inspector, a plumbing inspector, a boiler inspector, a gardener's market inspector, a carpenter inspector, a painter's rope inspector, and a sidewalk inspector, besides all the other public works, health, and sanitary inspectors.

But such a state of affairs could not go on forever. Here, as at Galveston, the business men demanded a change. They had witnessed the rapidity with which Galveston had regained its old time place after the disaster of 1900, and in 1905 the legislature was asked to grant a new charter following out the general principles of the Galveston plan. Pride forbade them to adopt the Galveston charter *in toto*, consequently, some changes were introduced which quite materially modified the plan, although not violating the commission idea.

The characteristic feature of the Houston plan is the predominant position of the mayor. In Galveston the commission as a whole is the responsible head of the city government. The commissioners must go to the board for all power to act. While the management of each department, the selection of employes and the determination of policy, is virtually left to the commissioner in charge, he must go to the board for its sanction of his action. When the sanction of the board has been given, then it becomes responsible to the people of Galveston for that action. The commission as a whole elects each commissioner to his department, and in many cases determines the policy he must pursue in his department. Thus the commission as a whole is interested in all the departments of the city administration, and endeavors to maintain each in the highest degree of efficiency.

In Houston the mayor is the responsible head of the government. While the administrative board, called in Houston the

“city council,” is composed of five members elected at large for two years the same as at Galveston, and the administration is divided into four departments, the power of the mayor is greatly increased. He assigns the commissioners to their respective departments, and can change the assignment at any time he may deem the public interest benefited thereby. The appointment of all officers and employes of the city is made by the mayor and confirmed by the council, and, with the exception of the comptroller and commissioners, or “aldermen” as they are called in Houston, any officer or employe may be discharged by the mayor at a moment’s notice, with or without the consent of the council. In addition to his vote as a member of the city council, he also has the veto power over its actions.

Thus the mayor is the responsible head of the city government. If things go wrong, he is the one at fault. If any officer declines or refuses to enforce the law the mayor can remove him without ceremony. As the people of Houston say, “Under this system it is important that the people elect a mayor who is a man of good sense and good character. When the people have done so, the mayor does not have to be, as under the old system, a helpless spectator of wanton disregard of law and maladministration. The whole idea of the Houston system is to have a responsible head to the government elected by the people.” This is unusual power to give to one man and has been frequently criticized, the common objection being that it is undemocratic. In answer, the Houston citizens claim that “nothing is undemocratic which comes directly from the people. A good man will not abuse the power vested in him and a bad man should not be elected by a people who want good government.” In this respect, then, the Houston plan differs very materially from that of Galveston.

The Houston plan makes another very marked departure from that of Galveston. Attention was called, in describing the Galveston plan, to the fact that the commissioners did not devote their entire time to the service of the city. In the Houston charter a clause was inserted requiring the commissioners to devote their entire time to the duties of their office,

and doubling their salaries as compared with those of the commissioners of Galveston. Although a short and seemingly unimportant insertion, this clause virtually modifies the entire working scheme of the Galveston plan. It makes the commissioners in Houston the actual superintendents in charge of their departments. They are not merely the advisers or directors of their departments determining their general policies, and supervising their operation as at Galveston, but they are the superintendents in active direction of these departmental activities. They are the experts in actual charge of the work. The commissioner of streets and public property in Galveston, for instance, directs the operations of that department in the same way that a director in a corporation directs the general policy and activity of the corporation. He determines what shall be done, but the general routine, the actual inspection of paving, etc., is done by a civil engineer under him. In Houston the commissioner does this work himself. To be sure there is a city engineer who looks after the technical part of the work, but the commissioner spends his entire time supervising the operation of his department, and the city pays him a salary accordingly. The mayor receives \$4,000 per year and each commissioner \$2,400.

Now the essential difference between the two plans lies in this: that the Houston plan presupposes the election of experts to office. The Galveston plan contemplates, not the election of experts to office, but the choice of business men to direct the affairs of government and to select experts for its supervision and management. Galveston thus distinguishes between the policy-determining officials, and the professional experts. Houston does not. Each city strongly favors its own plan and undoubtedly much is to be said in favor of both.

One further observation should be made on the difference between the two plans. While it is true that the administration of Houston is divided into four departments, with a commissioner practically at the head of each department, the management of the department is nominally placed in the hands of a committee, of which the commissioner in charge is chairman, and each of the other commissioners a member.

Thus there is the committee on Finance and Revenue, the committee on Water, Light, and Health, the committee on Police and Fire, and so on. Accordingly, the report of a committee is equivalent to an action of the council.

Neither the Galveston nor Houston charters contain the Initiative or the Recall, and only the Referendum in a restricted and modified form. Both seem to be much opposed to the Recall, especially. Mayor Rice of Houston, speaking on the subject, states that in his opinion "the Recall is an inheritance of populism and has no place in a business government"—an opinion held by most public officers against whom it might be used. As a reason for his position he expresses it as his belief that it is a sufficiently difficult matter to induce good men to give up their personal interests and work for the public good, even without the recall, and that the recall only adds to the difficulty.

THE DES MOINES PLAN

The third type of commission charter is represented by that of Des Moines. Des Moines had attempted at the time the Houston charter was passed in 1905, as a result of an investigation of the Galveston commission, to get a bill through the Iowa legislature providing commission government for cities of the first class, but had failed, because of the lack of popular support. The people of Des Moines did not understand the bill, nor the system which it sought to introduce, and the committee of the legislature refused to report it favorably until the demand for its passage became more apparent. Accordingly, an educational campaign was started which resulted in 1907 in the enactment of what has since become so widely known as the "Des Moines Plan."

The past record of Des Moines has not been as dark as either that of Galveston or Houston, but not greatly unlike that of most of our American cities. It was inefficient, but not corrupt. If there was graft, and it was frequently charged under the old organization, it was insignificant, and played no part in the campaign for the new system. Des Moines was the capital and metropolis of the state, and from that point of

view, an important factor in national as well as local politics. The statehouse crowd, together with the politicians of Polk county, had long dominated municipal affairs, and used the city to promote party interests. There was a growing feeling that the city hall was a long way from the people. There had recently been several closely contested aldermanic campaigns in which the newspapers took an active part, and in which considerable popular dissatisfaction with the management of public affairs became manifest. At the same time, Governor Cummins was leading the progressive forces of the state along reform lines, and while not participating in municipal affairs to any extent, undoubtedly stimulated the desire for a reorganization of the entire city administration, and the method of handling public business. There was a growing demand for a more effective popular control of the organs of government. Consequently, the new charter when presented a second time to the legislature contained many features of a very democratic nature.

The Des Moines plan, being a general state law, may be adopted by any city of the first class in the state. Upon the petition of electors, equal in number to twenty-five per cent of the votes cast for all candidates for mayor at the last preceding city election, asking that the question of adopting the plan be submitted to a popular vote, a special election is called to determine whether or not the plan shall be adopted. If a majority of the electors, voting upon the proposition, vote in favor of it, it is adopted, but, if a majority vote against it, it cannot be again submitted for a period of two years. After a trial of six years the plan may be abandoned in a similar way.

Recognizing the importance of securing the right kind of officials to administer the plan, the Des Moines law provides for a non-partisan, majority election. Candidates are nominated by a non-partisan primary, at which the names of all the candidates for each office are placed in alphabetical order upon the ballot without party mark or designation, and the two candidates receiving the highest number of votes for each office at the primary are declared nominated, and are the only

candidates whose names appear on the official ballots at the general election. As there are never more than two candidates for any one office, the election always results in a majority choice.

The government of the city under the Des Moines plan, as under the Galveston and Houston plans, is placed in the hands of a "council," composed of a mayor and four councilmen, elected at large for two years, in the manner just described, each of whom has the right to vote on all questions coming before the council. Three members constitute a quorum and the yeas and nays on all matters coming before the council are recorded when the vote is taken. The mayor presides at all meetings, but has no veto. The administration is divided into five departments, including the mayor, public affairs, accounts and finance, public safety, streets and public improvements, and parks and public property. The mayor is always in charge of the department of public affairs, but the council at its first meeting designates by majority vote a councilman to be superintendent of each of the other departments, a designation which it may change at any time. The council elects or appoints all subordinate public officials, assistants, and experts of the city and may remove them at any time. It also fixes the compensation of such officers and employes, and may also change that at any time. It meets in regular session at least once each week, and all meetings, to which any person not a city official is admitted, are open to the public. The salaries for the commissioners range from \$3,500 for mayor and \$3,000 for councilman in cities of 60,000 population or over, to \$2,500 and \$1,800, respectively, in cities of 25,000 population. While there is no stipulation in the charter regarding the hours of service which these officials must render, the practice has been to devote their entire time.

As originally passed in 1907, the law applied only to cities of 25,000 population or over, but at the last session of the legislature it was amended to apply to cities of from 7,000 to 25,000 population as well. In these smaller cities, however, the number of commissioners is reduced from five to three with

salaries ranging from \$450 to \$1,500 per year according to the size of the city.

Thus the Des Moines plan lies midway between that of Galveston and Houston. It follows the Galveston plan in making the commission as a whole and not the mayor responsible for the city government, and the Houston plan in making the commissioners actual superintendents instead of mere directors of their departments. That is, it attempts to elect to office, men specially qualified to perform the duties of the offices they assume. While in Des Moines, as in Galveston and Houston, the commissioners, with the exception of the mayor, are not elected directly to the departments over which they take charge, each voter is practically certain when he casts his vote, to what department each will be assigned if elected, and votes accordingly with each candidate's qualifications in mind. There has been some agitation of late to make this practice legal, and to elect each commissioner directly to his particular department, but up to the present time this change has not been made. The commissioners are first elected members of the council, and the council at its first meeting assigns a commissioner to the head of each department. The mayor, unlike the mayor of Houston, has merely a vote as a member of the board, and no veto power. All matters are finally decided by a majority vote of the council. While the mayor has certain supervisory powers over the various departments of the city, and is charged with general oversight of the entire administration, as a factor in government he exerts no more influence than any other member of the council. The council as a body is responsible for the administration. It is at the same time the policy determining power and the administrative branch of the city government, and no attempt is made to distinguish between them as under the Galveston plan.

The difficulty in this plan, as in that of Houston, lies in the ability to elect experts to office, to secure by popular election, men fittingly qualified to assume the routine management of the various municipal services—a difficulty which is avoided at Galveston where the commissioners are neither elected, nor paid, to look after the details of management, but simply to

determine the general policy of the administration as business men, and to select expert superintendents to carry out that policy once determined. It is probably now generally recognized that it is easier to secure professional and technical men by appointment than by popular election.

In addition to these general commission features, the Des Moines plan contains several features non-essential to the commission plan, yet some of which have probably played a larger part in popularizing it than any of the principles yet named. Among these are the initiative, referendum, and recall. While these, as has already been pointed out, are in no way essential to the commission plan, still they have been more frequently incorporated in commission charters than in charters of any other form, mainly for the reason that commission charters have been adopted only in those communities where there has been a strong demand for a more effective popular control of government. Thus practically all of the commission charters granted since the enactment of the Iowa law have provided for all three of these provisions. The Wisconsin law is the one notable exception in this regard; it provides merely for the referendum. Des Moines was not, however, as has frequently been supposed, the first commission charter to contain these provisions. Dallas and several other cities of Texas had already incorporated one or more of them in their charters before the Des Moines law was passed. But the wide advertisement of the Des Moines plan and the emphasis laid upon these principles in it, has inseparably connected the initiative, referendum, and recall, with that particular plan if not with commission government itself, and has added not a little to its popularity.

No ordinance passed by the council, except one for the immediate preservation of the public peace, health, or safety, passed by a two-thirds vote and containing a statement of its urgency, can go into effect until ten days after its passage. If within the ten days a petition, signed by electors equal in number to twenty-five per cent of the vote cast for mayor at the last election, protesting against the passage of the ordinance, is presented to the council, the ordinance is sus-

pending, and must be reconsidered by the council. Unless the ordinance is entirely repealed by the council on reconsideration, it must be submitted to a vote of the electorate at a special election, called for that purpose unless a general election occurs within ninety days. If a majority of the electors voting upon the ordinance vote in favor of it, it becomes operative and has all the force of law, but if a majority vote against it, it is null and void and has no more force than if it had never been passed by the council. Thus the people have an effective veto on legislation, and can prevent the council from fastening objectionable measures upon the city.

The referendum provides a negative control. The initiative provides a positive control. By the initiative any proposed ordinance may be submitted to the council for passage, and must either be passed without alteration within twenty days or submitted to a popular vote. If the petition calling for the enactment of the ordinance is signed by electors equal in number to not less than ten nor more than twenty-five per cent of the vote for mayor at the last regular election, the ordinance if not passed by the council is submitted at the next regular election. If the petition is signed by twenty-five per cent or over, a special election is called. If a majority vote in favor of the proposed ordinance, it becomes a valid ordinance and binding on the city the same as though passed by the council; if a majority vote against it, it becomes a dead letter and of no binding force whatever. Any number of proposed ordinances may be voted upon at the same election, but there cannot be more than one special election for that purpose in any period of six months. No ordinance proposed by petition or adopted by the people can be repealed or amended except by a vote of the people.

By the recall, the mayor or any councilman may be removed from office at any time by the electors qualified to vote for a successor. Upon the presentation of a petition signed by electors equal in number to twenty-five per cent of the vote cast for mayor at the last general municipal election, demanding the election of a successor of the person sought to be removed, and stating the grounds for which the removal is sought, the

council must call an election for the purpose within forty days. At that election the incumbent sought to be removed is a candidate to succeed himself, unless he shall have resigned or otherwise notified the council of his intention not to run, and his name is placed on the ballot without nomination. In this removal election the candidate receiving the highest number of votes is declared elected. If the incumbent receives the highest number of votes he is retained in office, but if some other person receives the highest number of votes, the incumbent is deemed removed upon the qualification of his successor.

In case the party receiving the highest number of votes fails to qualify within ten days after being notified of his election, the office is deemed vacant, and is filled after the manner of filling vacancies.

Another provision contained in the Des Moines plan is that for a civil service commission. This commission is composed of three members, elected by the council for six years, one being elected every two years, upon the organization of a new council, and serves without pay. The civil service commission holds examinations for the purpose of determining the fitness of applicants for positions under the city, and certifies to the council an accredited list of persons qualified to perform the duties of the positions to which appointments are to be made. This applies to all appointive officers and employes of the city except the heads of departments under the councilmen, appointive commissioners, unskilled laborers, and election officers. The charter provides that the city clerk, solicitor, assessor, treasurer, auditor, civil engineer, city physician, marshal, chief of the fire department, market master, street commissioner, and library trustees shall be elected by the council, as well as the judge of the police court in cities not having a superior court, but all other officers, clerks, and employes are placed under civil service. All persons subject to civil service examinations are also subject to removal by the council for misconduct or failure to perform their duties under the rules and regulations laid down by it. Even the civil service commissioners themselves may be removed by the council for cause by a four-fifths vote. In all investigations incident to such

procedure the council has the power to enforce the attendance of witnesses, the production of books and papers, and to administer oaths, in the same manner and with the same effect as magistrates exercising criminal or civil jurisdiction under the statutes of Iowa.

VARIATIONS FROM THESE TYPES

These three types, the Galveston, the Houston, and the Des Moines types, have served in general as models for nearly all commission charters which have since been adopted. Variations, however, have been introduced in many charters which have been patterned after them.

The Wisconsin law,⁶ for instance, is a somewhat wide departure from all three, although in no way violating any of the general principles of commission government as laid down in another part of this bulletin. The administrative board is composed of three members, a mayor and two councilmen. The mayor is elected for a term of six years and the councilmen for terms of four years each, their terms expiring alternately every two years. Each commissioner has charge of two departments and the salaries range from \$5,000 for mayor and \$4,500 for councilmen in cities of forty thousand population and over, to \$1,000 for mayor and \$700 for councilmen in cities of twenty-five hundred and under. The law provides for a general referendum on ordinances, but does not include the initiative or the recall, nor does it make any provision for civil service appointments, the idea being that inasmuch as the commission is held responsible for the city administration, it should be given a free hand to carry out its own policy as it sees fit, making such appointments as may be necessary. The commissioners devote their entire time to the duties of their office, and assume the actual routine of administration. The law provides that the administration may be divided into departments, but leaves the matter optional with the council.

While most laws provide for a commission of five members,

⁶ The text of the Wisconsin law of 1909 is printed in full by the University Extension Division, The University of Wisconsin, in a debating bulletin on "Commission Government."

there are several instances where a commission of three is provided for. Mississippi permits each city in adopting the plan to decide for itself whether its commission shall consist of three or five members. Amendments passed to the Iowa law by the legislature of 1909 provide for a commission of three in cities of less than 25,000. For small towns it is probable that three commissioners are sufficient. The New England towns have long been governed by three selectmen, and governed well. For cities of thirty to forty thousand and over, a larger board is probably advisable.

A point at which the Wisconsin law is open to some criticism is the weakness of electoral control. The efficiency of electoral control decreases as the official term is lengthened. Under the Wisconsin law the mayor is elected for six years. An election corrective which can be called into operation only once every six years is not a very good organ of control. No one questions the advisability of lengthening the terms of municipal office, but at the same time public control must be strengthened to render long term officials amenable to public opinion. By the Wisconsin law the electors through the general referendum are given a veto power on ordinances, and in this way may block undesirable legislation, but the same power does not apply to other actions of the council and it is doubtful if this alone is sufficient. The cumbersome system of checks and balances is discarded by the commission system on the proposition that that plan of protecting the electorate is to be replaced by a plan of direct electoral control through short terms, election at large, the referendum, and in most instances the recall. Now, if two out of four means are omitted, that control is going to be greatly weakened—a condition of questionable expediency, especially in such an extremely centralized form of administration.

Grand Junction, Colorado, provides for preferential voting, and in North Dakota provision is made for cumulative voting. Mississippi, Minnesota, and New Mexico merely make general provision for commission government but leave the details of organization to each individual city the same as do the home

rule states. All these laws are in conformity with the general principles of commission government.

Many cities, however, have departed from the general principles of commission government in some particulars, and to that extent cannot be said to be purely commission government cities. In many such cases these departures have been so slight and the commission features have so predominated, that throughout this treatise they have been included as commission government cities. Exception should be taken, however, to some of these departures.

One of the widest departures of this kind is found in the case of Boise City, Idaho. Here, in addition to the election of mayor and councilmen, there is also elected by popular vote, a city treasurer, and a city clerk, each for two years, who cannot be removed except by impeachment and a three-fourths vote of the council. There is a board of public works, composed of three members appointed for three years by the mayor, which is charged with the supervision of public improvements, and the letting of contracts. There is also a sinking fund commission, composed of the mayor, city clerk, city treasurer, and the president of the council, and an auditing committee composed of the mayor, president of the council, and the city clerk. These bodies perform work that should be done by the council, and for which it should be held responsible. The departure would be a serious one were it not for the fact that the mayor has the power of removal over all his appointees at will, and that the council has the same power by a three-fourths vote. In this way responsibility can be enforced.

Colorado Springs provides for a park commission and a library commission. The revised statutes of Colorado provide for these commissions, and, therefore, the commission charter excepts them from the jurisdiction of the commission.

Ardmore, Oklahoma, provides that the commissioners shall be elected by the city at large, but that not more than one of the four commissioners shall come from any one of the four wards of the city. It also provides for a park commission, and

a library board, but places the matter of appropriation in the hands of the commissioners.

Enid, Oklahoma, provides for a board of health, a library board, and a board of park commissioners, and Tulsa, Oklahoma, for a park board, a board of health, and a committee of charities.

In Lewiston, Idaho, the city comptroller is appointed for a definite term of two years. Dallas, Texas, provides for a board of health and a park board. The city treasurership is let by contract to the bank paying the highest interest and the city auditor is appointed by the bank presidents of the city.

Fort Worth, Texas, elects its assessor and collector of taxes by popular vote, and also provides for a park board.

Marshall, Texas, elects its city secretary, who is also city treasurer and assessor and collector of taxes, by popular vote.

El Paso, Texas, provides for a board of health, composed of the mayor and two physicians, selected by the El Paso Medical Society.

A wider departure is found in the charters of Huntington, Bluefields, and Charleston, West Virginia. These charters provide for a "Citizen's Board," composed of sixteen persons from each ward of the city, in addition to the board of commissioners. This board has the power of veto on any franchise passed by the board of commissioners, and the right to hear, consider, and act on charges against any member of the board of commissioners, and, on conviction, to remove the member and declare his office vacant. In such instances, the citizen's board replaces the recall.

COMPARATIVE ANALYSIS

At first all commission charters were special laws. Those of Galveston and Chelsea were emergency measures called forth by great public calamities. The recent tendency is to provide for incorporation under the commission plan by general laws which may be adopted by any city of a certain class in the state by popular vote. At the present time Iowa, Illinois, Mississippi, Kansas, North and South Dakota, South Carolina, Texas, and Wisconsin have passed general laws outlining the plan of organization of cities under the commission plan in those states, and Minnesota and New Mexico have passed laws providing for the adoption of the plan, but leaving the details of organization to each city taking advantage of it. Practically all commission cities in Texas are still operating under special charters, however, as the general law, which was passed at the last session of the legislature, applies only to cities of 10,000 population and less.

In all these general laws and special charters, as might be expected, so many variations in details are found that it has been thought best to supplement the brief individual treatment which this bulletin permits with a comparative analysis, in order that a better understanding may be had of the general tendencies running through them all. As has already been stated, many cities have adopted charters in which commission features predominate, yet in which there are features that violate the commission principle to some degree. Where these violations are not too numerous or too fundamental, it has been thought best to include such cities in the analysis in order to get a broader view of the general tendency prevailing at the present time with regard to the commission features which they contain, but in such cases, only those features which are connected with, or have something to do with the essential features of commission government, are included. So it must, therefore, not be taken for granted that all the cities included

in this analysis have pure commission charters. Some of them violate the commission plan in several ways, some of which will be pointed out at the proper time.

GOVERNING BODY

The name applied to the governing body varies in the different cities. In some it is called "Board of Commissioners," in others "Common Council," "Municipal Council," "City Council," "Board of Control," or simply "Council." "Board of Commissioners" was the earlier term, and is used in the general laws of Kansas, Mississippi, North and South Dakota, and Texas, and in the charters of Amarillo, Texas; Ardmore, Oklahoma; Bluefield, West Virginia; Dallas, Texas; Galveston, Texas; Enid, Oklahoma; Forth Worth, Texas; Huntington, West Virginia; Marshall, Texas; Memphis, Tennessee; and Tulsa, Oklahoma. The more recent practice seems to follow the use of the term "Council" in some of its forms. This is followed by the general laws of Illinois, Iowa, South Carolina, and Wisconsin, and in the charters of Grand Junction and Colorado Springs, Colorado; San Diego and Berkeley, California; Boise City and Lewiston, Idaho; Charleston, West Virginia; Gloucester and Haverhill, Massachusetts; Tacoma, Washington; and in Houston, Austin, El Paso, Corpus Christi, Greenville, and Dennison, Texas. In Chelsea, Massachusetts, the term "Board of Control" is used. In those cities in which the term "Board of Commissioners" is used, the individual members of the board are called "Commissioners;" in all other cities, they are called "Councilmen" or "Aldermen."

Number of Members—The number of members comprising the governing board varies in the different cities from three to seven, the usual number being five. The general laws of Iowa (cities of 25,000 pop. or over), Kansas (cities of the 1st class), North and South Dakota, and South Carolina, and the charters of Amarillo, Ardmore, Austin, Berkeley, Boise City, Chelsea, Colorado Springs, Corpus Christi, Dallas, El Paso, Galveston, Gloucester, Grand Junction, Haverhill, Houston, Memphis, San Diego, Tacoma, and Tulsa, all provide for five mem-

bers, a mayor and four commissioners or councilmen. The general laws of Illinois, Iowa (cities of 7,000 to 25,000 pop.), Kansas (2nd class cities), Texas and Wisconsin, and the charters of Dennison, Greenville, and Marshall provide for three members, a mayor and two councilmen or commissioners. Bluefield, Charleston, Enid, Huntington, and Palestine have four members, a mayor and three other members. Lewiston provides for a mayor and six councilmen, and Fort Worth for a mayor and five commissioners. The Mississippi law provides that there may be three or five members of the commission, as determined by each city. The number desired must be stated in the petition for the adoption of the plan, as must also the salary to be paid, the bonds required, and the amount of time to be devoted to the service of the city by each.

Terms of Office—The terms of office vary from one to six years, in most cities being two, although there has been a marked tendency of late to increase them to four. The Gloucester charter provides for a one year term. The Iowa, Kansas (1st class cities), and Texas laws, and the charters of Amarillo, Austin, Corpus Christi, Dallas, Dennison, El Paso, Enid, Forth Worth, Galveston, Greenville, Houston, Haverhill, Lewiston, Marshall, Palestine, and Tulsa, all provide for a two year term, Haverhill and Lewiston providing for partial renewal every year. The Kansas law (cities of the 2nd class), and the charter of Huntington provide for a three year term. Ardmore provides for a two year term for mayor and a four year term for commissioners. The Illinois, North Dakota, and South Carolina laws and the charters of Berkeley, Bluefield, Boise City, Colorado Springs, Grand Junction, Memphis, San Diego, and Tacoma provide for a four year term, with partial renewal every two years. The South Dakota law provides for a five year term with one commissioner elected every year, while the Wisconsin law provides a six year term for mayor, and a four year term for councilmen, one councilman being elected every two years.

Salaries—The salaries of members of the governing body vary from a few hundred dollars per year to six thousand, according to the city and its population. The laws of Illinois,

Iowa, Kansas, North and South Dakota, and Wisconsin provide a sliding scale of salaries based on population. The Iowa schedule is as follows:

Cities with population of	Mayor	Councilmen
7,000 to 10,000.....	\$600.....	\$450
10,000 to 15,000.....	1,200.....	900
15,000 to 25,000.....	1,500.....	1,200
25,000 to 40,000.....	2,500.....	1,800
40,000 to 60,000.....	3,000.....	2,500
60,000 or over.....	3,500.....	3,000

The Wisconsin schedule is as follows:

Cities with population of	Mayor	Councilmen
Under 2,500.....	\$1,000.....	\$700
2,500 to 3,500.....	1,200.....	1,000
3,500 to 5,000.....	1,500.....	1,200
5,000 to 7,500.....	2,000.....	1,500
7,500 to 10,000.....	2,500.....	2,000
10,000 to 15,000.....	3,000.....	2,500
15,000 to 20,000.....	3,500.....	3,000
20,000 to 30,000.....	4,000.....	3,500
30,000 to 40,000.....	4,500.....	4,000
40,000 and over.....	5,000.....	4,500

The Kansas schedule ranges from \$1,800 for mayor and \$1,000 for councilmen in a city of 1,500 population, to \$4,000 for mayor and \$3,000 for councilmen in a city of 60,000. Other schedules range approximately the same. Mississippi, as has already been stated, leaves the matter of salary to the determination of each city at the time of adopting the commission plan, the amount determined upon being stated in the petition for adoption. The Texas law for cities under 10,000 population provides for a compensation of \$5 for each regular session attended.

The salaries in the various cities under special charters are as follows:

City	Mayor	Commissioners or Councilmen
Amarillo	\$1,500.....	\$1,000
Ardmore	1,500.....	600
Austin	2,500.....	2,000
Berkeley	2,400.....	1,800
Bluefields	1,500.....	1,500
Charleston	1,200.....	1,200
Colorado Springs	3,600.....	2,000
Corpus Christi	1,800.....	500
Dallas	4,000.....	3,000
Dennison	1,800.....	1,500
El Paso	3,000.....	1,800
Enid	1,500.....	1,500
Fort Worth	3,600.....	3,000
Galveston	2,000.....	1,200
Gloucester	1,200.....	1,000
Grand Junction	1,500.....	1,200
Greenville	1,200.....	1,200 ⁷
Haverhill	2,500.....	1,800
Houston	4,000.....	2,400
Huntington	1,800.....	1,500
Lewiston	300.....	... ⁸
Marshall	1,800.....	300
Memphis	6,000.....	3,000
Palestine	750.....	500
San Diego	2,000.....	2,000
Tacoma	4,000.....	3,600
Tulsa	1,500.....	1,200

How Nominated and Elected—Many of the commission charters simply provide that the members of the governing board shall be nominated and elected in accordance with the general

⁷ The commissioner of water-works and sewers receives the same salary as the mayor, \$1,500.

⁸ \$3.00 per meeting, but not to exceed \$200.00 in any one year.

election laws of the state, and consequently we have the same diversity of election methods in such cities as we find in the election laws of the states. But in the more recent charters, particularly, special provision is made for the nomination and election of members of the board of commissioners. The Illinois, Iowa, Kansas, and Wisconsin laws and the charters of Austin, Enid, Haverhill, and San Diego make special provision for a non-partisan primary, candidates being nominated by petition. The charters of Bluefield, Charleston, Dallas, Fort Worth, Huntington, Lewiston, and Tulsa, and the law of South Carolina, also provide that there may be a primary at the option of the political parties, but that the primaries, if held, shall be non-partisan. Dallas and Fort Worth, in case primaries are held, throw the expense upon the candidates. In all other cities, nominations are made either by petition or in convention. The laws of South Carolina and South Dakota, and the charters of Berkeley, Colorado Springs, Dallas, Tacoma, and Tulsa provide for first and second elections. In these cases the primary serves as an election for those candidates who receive a majority of the votes cast. In case some candidate for each office receives a majority, no second election is held. In case no candidate receives a majority for any office, a second election is called at which the two candidates receiving the highest number of votes at the preceding primary are voted upon, and the one receiving a majority at this second election is declared elected to the office. The Illinois, Iowa, and Kansas laws, and the charters of Amarillo, Austin, and San Diego also provide for a majority election by placing on the general election ballot the names of only those two candidates who received the highest number of votes at the primary. All such elections are non-partisan and the names of all candidates for each office are arranged in alphabetical order. The charter of Grand Junction, Colorado, provides for preferential voting, each voter being given an opportunity to vote for his first and second choice. Thus, only one election is necessary.

In all cases are the members of the governing board elected at large. A provision for ward election would be too flagrant a violation of the commission government principle to permit

of treatment as such. But the charter of Ardmore is as near an approach to such a violation as can be found in any of those cities which otherwise conform to the provisions of commission government charters. It provides that, while the commissioners are elected by the city at large, a commissioner must be resident in each of the four wards. So that although elected at large, the commissioners virtually represent the different wards of the city, a violation, surely, of a very fundamental principle of commission government. In other respects the Ardmore charter, with the exception of its park and library boards, conforms very closely to the commission plan.

Meetings of the Board—Most commission charters provide that the governing board must meet at least once each week, but some leave the matter entirely to the discretion of the board. The Illinois, Kansas, Mississippi, North and South Dakota, and Wisconsin laws and the charters of Amarillo, Ardmore, Austin, Bluefield, Charleston, Enid, Fort Worth, Galveston, Houston, Huntington, Memphis, San Diego, and Tulsa provide that the council shall meet at least once each week. The charter of Tacoma provides that the council shall meet at least once each week in legislative session, and daily in administrative session. The Dallas charter provides for meetings at least three times a week. The Iowa and South Carolina laws require monthly meetings, and the Palestine charter requires semi-monthly meetings. The charter of Marshall provides that the council shall meet semi-monthly for the passage of ordinances and other legislative purposes, and weekly for purposes of administration. Corpus Christi and Dennison leave the matter of legislative sessions to the discretion of the council, but provide that they shall be in continuous session for purposes of business. The Berkeley, Boise City, Colorado Springs, Gloucester, Greenville, Grand Junction, Haverhill, and Lewiston charters leave the matter of all sessions to the discretion of the council.

While these are the charter provisions, the practice in these cities is quite different. Practically all commissions meet at least in weekly sessions. While the Iowa law merely requires monthly meetings, the councils of Des Moines and Cedar Rapids

meet regularly three times each week in legislative sessions, and every morning in administrative and business sessions. Such is also the case in practically all those cities in which the commissioners devote their entire time to their office, which, of course, is the great majority of commission governed cities. Business sessions for the purpose of deciding upon questions of administration may be called at any time.

Administrative Departments—Boise City, Chelsea, Dennison, El Paso, Gloucester, Greenville, Haverhill, Houston, Marshall, and the Texas law make no provision for the division of the administrative work into departments, headed by a commissioner. The Wisconsin law provides that the council may make such a division, but leaves it optional with the council, as does also the Mississippi law. The South Carolina law provides that the administration shall be divided into five departments, and that a commissioner be placed in charge of each, but all further regulation is left to the discretion of the council. By far the larger number of charters, however, specifically divide the administration into three, four, or five departments, according to the number of commissioners, and provide in outline the scope and duties of these different departments. In the Bluefield, Charleston, Fort Worth, and Huntington charters, and the South Carolina law, the assignment of commissioners to the various departments is made by the mayor, but in most other instances this is done by a majority vote of the commission at its first meeting after organization. This latter practice is followed in the general laws of Illinois, Iowa, Kansas, North and South Dakota, Mississippi, and Wisconsin, and in the charters of Amarillo, Ardmore, Austin, Berkeley, Colorado Springs, Corpus Christi, Dallas, Enid, Grand Junction, Lewiston, Memphis, Palestine, San Diego, Tacoma, and Tulsa. In Houston the mayor appoints three commissioners, a committee to look after the administration of each department, the chairman of the committee virtually being head of the department. This plan was adopted by the passage of an ordinance and, of course, may be abandoned at any time. Haverhill and several other cities have also provided for the

division of their administration into departments by ordinance in the absence of charter provisions.

The designation and scope of the various departments vary in the different states and cities. The Iowa law provides for five departments: (1) public affairs; (2) accounts and finance; (3) public safety; (4) streets and public improvements; (5) parks and public property. The mayor is always, ex-officio, superintendent of the department of public affairs. In Kansas the departments in first class cities are: (1) police and fire, with the mayor in charge; (2) finance and revenue, (3) waterworks and street lighting; (4) streets and public improvements; (5) parks and public property; and in cities of the second class: (1) police, fire and health, with the mayor in charge; (2) finance and revenue; (3) streets and public utilities. The laws of North and South Dakota provide for four departments: (1) police and fire; (2) waterworks and sewerage; (3) streets and public property; and (4) finance and revenue. The mayor is not assigned to any particular department, but charged with a general oversight of all four. The Illinois law follows the Iowa law, as indeed, do most of the other commission charters. In Grand Junction, the mayor is in charge of the department of public affairs, and is also, ex-officio, judge of the municipal court. The commissioner in charge of the department of finance and supplies is, ex-officio, city treasurer, purchasing agent, city clerk, and auditor. The mayor in Colorado Springs is head of the department of water and waterworks. In Ardmore and Berkeley he is in charge of the department of finance and revenue, and, in Berkeley, is also charged with the supervision of public utilities. In Fort Worth and Dallas, the mayor is in charge of the police and fire department. In other cities the assignment varies in a similar way.

Elective and Appointive Officers—Theoretically, the only elective officers of a commission governed city should be the members of the administrative board—the mayor and commissioners. In practice, some cities have departed from this principle by the popular election of two or three subordinate administrative officials, such as the city clerk, assessor and

collector of taxes, or the city treasurer. The most common departure, however, is the election of a separate board of education. Carrying the commission principle to its logical conclusion, the administration of the educational system, as well as that of the police department, or any other branch of the city government, should be placed in the hands of the board of commissioners. But owing to the fact that in many states provision had been made for non-partisan boards of education prior to the adoption of the commission plan, and that in general the educational departments have been less inefficient and less subject to graft than other departments of our municipal administration, and, further, owing to the fact that the state exercises a closer control and supervision over public education than over other fields of municipal activity, the administration of the schools has been quite generally excepted from the supervision and control of the city commission, and has been left in the hands of separately elected, non-partisan boards of education. This is the case in Galveston and Houston and practically all the cities of Texas. It is also the case in the Iowa, Illinois, Kansas, Wisconsin, and other general commission laws; the department of education is unaffected by the adoption of the commission law. In addition to the commission cities of Texas, the charters of Ardmore, Berkeley, Enid, Gloucester, and Haverhill make special provision for a separate board of education. Thus, although logically belonging under the control of the city commission, in practically no city has the department of education been placed under its supervision.

The city treasurer is elected in Boise City, El Paso, and in San Diego. In addition, Boise City elects the city clerk, and El Paso the assessor and collector of taxes, and the judge of the corporation court. Marshall elects the city secretary, who is, ex-officio, city treasurer and assessor and collector of taxes. Fort Worth and Greenville, elect the assessor and collector, and in addition Greenville elects the city attorney. Berkeley and Tulsa elect the city auditor, and Tacoma, the city controller, who is, ex-officio, city auditor. The Mississippi law provides that the city in petitioning for the adoption of the

plan may designate such officers to be elected as it may desire, in the same way as provided for determining the number of commissioners and the amount of their salary.

The appointive officers include the subordinate city officials and heads of sub-departments. Theoretically, they should include all public officials except the board of commissioners; practically, they include all such officials not elected as just described. The Iowa law provides for the appointment of a city clerk, city attorney, city treasurer, auditor, assessor, city engineer, city physician, marshal, chief of fire department, market master, street commissioner, and such other officers as the council may provide. Other laws and charters provide for practically the same officials, adding such officials as are demanded by the local needs.

Appointments, How Made—The common practice is the election of all subordinate officials by the commission by majority vote. This is the case in the laws of Illinois, Iowa, Kansas, Mississippi, North and South Dakota, South Carolina, Texas, and Wisconsin, and in the charters of Amarillo, Berkeley, Bluefield, Chelsea, Charleston, Corpus Christi, Dennison, Fort Worth, Galveston, Gloucester, Grand Junction, Haverhill, Lewiston, Memphis, Marshall, and Palestine. It is also the case in Greenville except that the city auditor is appointed by the county judge. In Ardmore, Austin, Dallas, and Tulsa, appointments are made by the mayor and confirmed by the council. In Houston and El Paso, they are made by the mayor alone. In Tacoma, the city clerk and city attorney are elected by the council and commissioned by the mayor. All other officers are nominated by the proper heads of departments, elected by the council and commissioned by the mayor. In Boise City, the mayor appoints the heads of departments, and on recommendation of the heads of departments, appoints all subordinate officials and employes. The council elects the city clerk and city magistrate. In San Diego, the mayor appoints the auditor, and members of the park and cemetery commissions, and board of health, and the council elects the city attorney, city clerk, city engineer, and the chiefs of the police, and the fire departments. In Colorado Springs, the city clerk

is appointed by the council, the city attorney by the mayor and council, and all other officers by the mayor on recommendation of the proper heads of departments. In Enid, various officers are appointed by the different commissioners. The police and fire commissioner appoints the judge of police court, chief of police, policemen, city attorney, chief of the fire department, and firemen; the commissioner of streets, alleys, and public property appoints the city civil engineer, street commissioner, inspector of public works, members of the board of health, and of the park board, the inspector of weights and measures, and the inspector of milk and dairies; the commissioner of waterworks and sewage appoints the city clerk, superintendent of waterworks, engineer of waterworks, and police matron; and the commissioner of finance and revenue appoints the city engineer, assessor, enumerator, the library board, and the humane agent. Such a division of patronage among the commissioners is not found in any pure commission plan. The laborers in each department are usually hired by the head of the department.

In Texas there is a growing tendency to let the treasurer-ship by contract to the highest bidder, the city treasurer being at the same time the city depository. The new charters of Austin, Amarillo, Corpus Christi, Dallas, and Palestine all contain such a provision. The contract goes to the bank which offers the largest interest on city deposits. Dallas and Austin pay a nominal salary of \$5 per year. In Dallas, the city auditor is nominated by the bank presidents of the city.

Removals—All appointive officers can be removed for cause, and in most cities without specific cause, whenever the city's interest may be benefited by their removal. The general laws of Illinois, Iowa, Kansas, North and South Dakota, Mississippi, South Carolina and Wisconsin, and the charters of Amarillo, Austin, Berkeley, Bluefield, Boise City, Charleston, Chelsea, Colorado Springs, Corpus Christi, Dallas, Dennison, Enid, Fort Worth, Galveston, Gloucester, Grand Junction, Haverhill, Lewiston, Marshall, Palestine, San Diego, Tacoma, and Tulsa, provide for removal of all appointive officers by the council either by a three-fourths, or simple major-

ity vote, with the exception of certain officers in a few of these cities. Tulsa excepts the city attorney and corporation judge, Lewiston, the controller, Amarillo, the city attorney, city secretary, and corporation judge, and Dallas, the auditor, city attorney, and corporation judge. Some of these cities also give the removal power to the mayor or heads of departments in certain instances. Boise City also gives it to the mayor. Palestine gives the power of removal to the appointing officer with the permission of the mayor, in addition to the power possessed by the council. Enid gives the commissioners this power irrespective of the approval of the mayor. In some cities a specific cause must be assigned, and the officers sought to be removed given notice and a chance to be heard before a removal is made. But by far the greater number of cities provide for removal without cause, when the proper officials believe the city's interests will be benefited by such action. Boise City provides that no removal shall be made on account of political or religious beliefs. Most cities provide that the officer or body making the removal shall give the reasons for such removal in writing, when so requested by the one removed, and that the reasons given shall be spread upon the records of the city. Greenville and Houston, give the power of removal exclusively to the mayor with the exception that in Houston the council may by a four-fifths vote remove the mayor. El Paso gives to the mayor power to remove his own appointees, and to the council power to remove its appointees. Memphis makes no provision for removal except by impeachment. Day laborers are usually discharged by the one hiring them.

Veto Power of Mayor—In the charters of Amarillo, Ardmore, Boise City, Colorado Springs, Corpus Christi, Dennison, Enid, El Paso, Greenville, Houston, Lewiston, and Tulsa, the mayor is given the veto power, but in other cities he is not, but has a vote, the same as other members of the board of commissioners. In Ardmore, Boise City, Enid, and Lewiston, he is given no vote except in case of a tie, and, in Lewiston, in the case of appointments. Tulsa denies the mayor a deciding vote in the confirmation of his appointments. In Colorado Springs, Ard-

more, and Boise City, the mayor may veto separate items in appropriation ordinances, without vetoing the entire ordinance. In Amarillo, Corpus Christi, Dennison, El Paso, Greenville, and Houston the mayor has both a vote as a member of the board of commissioners, and the veto power. Amarillo and Huntington provide that every member of the board of commissioners present must vote on all propositions coming before it, and must have his vote recorded. In the Kansas law for cities of the second class, the city attorney casts the deciding vote in case of a tie. In other cities the additional powers of the mayor are merely those of a presiding officer.

Initiative—The initiative is provided for in the general laws of Illinois, Iowa, Kansas, South Carolina, and South Dakota, and in the charters of Amarillo, Ardmore, Austin, Berkeley, Colorado Springs, Dallas, Fort Worth, Gloucester, Grand Junction, Haverhill, Lewiston, Marshall, and Tacoma. The required number of signers to petitions varies from five to forty per cent of the electors of the city as determined by various elections. In nearly all cases the percentage is based on the number of votes cast for all candidates for mayor at the last general municipal election, but in Grand Junction, it is based on the number of votes cast for governor at the last state election, and in Marshall on the total number of qualified voters in the city. Illinois, Kansas, and Iowa, and the charters of Berkeley, Colorado Springs, Dallas, Grand Junction, Haverhill, Lewiston, and Tacoma, also make provision for determining whether the initiative proposition shall be submitted at a general or special election, according to the numbers of signers to the petitions for submission. The following are the required percentages in the various cities.

State Law or City Charter	Per cent Required for Special Election	Per cent Required for General Election
Illinois	25.....	10—25
Iowa	25.....	10—25
Kansas (1st class)	25.....	10
Kansas (2nd class)	40.....	10—25

State Law or City Charter	Per cent Required for Special Election	Per cent Required for General Election
South Carolina	20.....	
South Dakota	5.....	
Amarillo	15.....	
Ardmore	25.....	
Austin	25.....	
Berkeley	15.....	5
Colorado Springs	15.....	5
Dallas	15.....	5—15
Fort Worth	500 ⁹	
Gloucester	25.....	
Grand Junction	10 ¹⁰	5
Haverhill	25.....	10
Lewiston	15.....	5
Marshall	25 ¹¹	
Tacoma	20.....	5

Referendum—The optional referendum is provided for in the general commission laws of Illinois, Iowa, Kansas, South Carolina, South Dakota, and Wisconsin, and in the charters of Amarillo, Ardmore, Austin, Berkeley, Colorado Springs, Dallas, Fort Worth, Gloucester, Grand Junction, Haverhill, Marshall, and Tacoma. The number of signers to a petition required to bring the referendum into operation varies from five to twenty-five per cent of the qualified electors as determined by the vote cast at various elections, the common practice being to take, in the case of referendum, as in that of the initiative, the total vote cast for all candidates for mayor at the last general municipal election at which a mayor was elected, although Grand Junction bases the percentage on the vote cast at the last gubernatorial election, and Marshall on the total number of electors of the city qualified to vote at the time. Fort Worth requires merely a petition of five hundred

⁹ Petition signed by 500 qualified voters.

¹⁰ 10 per cent of the last gubernatorial vote cast in the city.

¹¹ 25 per cent of all the qualified voters in the city.

electors. Most cities provide that no ordinance except one for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the council or commission, shall go into effect for a certain length of time after its passage and publication and that, if within that time a referendum petition is presented protesting against its going into effect, it shall be suspended until submitted to a vote of the electors. The length of time within which such petitions may be presented after an ordinance has been passed, varies in the different cities from ten to thirty days, and thereafter a referendum may not be demanded; the only way in which the electors may secure a subsequent repeal being by means of the initiative. The South Carolina law and the charter of Ardmore, however, fix no limit, a referendum may be demanded at any time. The percentage of signers required and the length of time during which ordinances are suspended in the various cities are as follows:

State Law or City Charter	Percentage of Electors Required Based on the Last Vote for Mayor	Length of Time Within Which Petition Must be Filed
Illinois	10.....	30 days
Iowa	25.....	10 days
Kansas	25.....	10 days
South Carolina	20.....	1 day ¹²
South Dakota	5.....	20 days
Wisconsin	25.....	10 days
Amarillo	15.....	30 days
Ardmore	25.....	1 day ¹²
Austin	25.....	10 days
Berkeley	10.....	30 days
Colorado Springs	15.....	10 days
Dallas	15.....	30 days
Fort Worth	500 ¹³	30 days

¹² No limit is fixed. Ordinances go into effect immediately upon passage and a referendum petition may be presented at any time thereafter.

¹³ Simply a petition of 500 electors is required.

State Law or City Charter	Percentage of Electors Required Based on the Last Vote for Mayor	Length of Time Within Which Petition Must be Filed
Grand Junction	10 ¹⁴	30 days
Gloucester	25.....	10 days
Haverhill	25.....	10 days
Marshall	25 ¹⁵	30 days
Tacoma	15.....	10 days

Recall—The recall of elective officers is provided for in the general commission laws of Illinois, Iowa, Kansas, South Carolina, and South Dakota, and in the charters of Amarillo, Ardmore, Austin, Berkeley, Colorado Springs, Corpus Christi, Dallas, Dennison, Enid, Fort Worth, Grand Junction, Haverhill, Lewiston, Marshall, Palestine, Tacoma, and Tulsa. In general, the number of signers required to petition the recall is somewhat higher than in the cases of the initiative and referendum, the smallest number being in South Dakota, where only fifteen per cent of the number of votes cast at the last general municipal election are required. The highest is in Illinois where seventy-five per cent is required. The percentages required in the various cities are as follows:

State Law or City Charter	Percentage of Electors Required Based on Last Vote for Mayor
Illinois	75
Iowa	25
Kansas	25
South Carolina	20
South Dakota	15
Amarillo	35
Ardmore	30 ¹⁶
Austin	25
Berkeley	20

¹⁴ Percentage is based on last vote for governor.

¹⁵ Percentage is based on total number of qualified electors of the city.

¹⁶ Based on the previous vote cast for the incumbent sought to be removed.

State Law or City Charter	Percentage of Electors Required Based on Last Vote for Mayor
Colorado Springs	30
Corpus Christi	30 1/3
Dallas	30
Dennison	25
Enid	30
Fort Worth	20 ¹⁷
Grand Junction	20 ¹⁸
Haverhill	25
Lewiston	25
Marshall	35 ¹⁷
Palestine	25
Tacoma	25 ¹⁹
Tulsa	35

Civil Service—Most commission governed cities do not provide for civil service, but some do. The theory in those cities which do not, has been that the council or board of commissioners is held responsible for the entire city administration, and should be given a free hand in the selection of all its assistants and employes. The Illinois law provides that any city incorporated under the general commission law may adopt the provisions of the state law relating to civil service in cities by a popular vote. In Bluefield and Charleston the Board of Affairs serves itself as a civil service commission. Lewiston provides that the board of commissioners may at any time provide for a civil service commission by ordinance. The Iowa, Kansas, and South Carolina laws, and the charters of Colorado Springs, Grand Junction, Memphis, and Tacoma, all provide for a civil service commission composed of three members appointed by the board of commissioners or city council for various terms. In Iowa, South Carolina, and Colorado Springs, the term is six

¹⁷ Based on the total number of qualified voters in the city.

¹⁸ Based on the last vote for governor.

¹⁹ Tacoma requires 25 per cent of the last vote for mayor, but never less than 2,500 signers. No officer can be recalled during the first six months of his term.

years; in Memphis and Tacoma three, and in Kansas four years. Grand Junction provides that the terms and duties of the civil service commission shall be as determined by ordinance.

The tendency seems to be, even in those cities which have civil service commissions, to restrict the number of appointments subject to civil service regulation as much as possible. When the heads of all departments and sub-departments, and in some cases, many assistants, are excepted from the service, as well as all manual laborers, not many city employes are subject to the service. Tacoma divides all persons in the service of the city into four classes. Class A embraces the elective officials—the mayor, the four commissioners, and the controller. Class B includes the appointive officers, embracing the city clerk, attorney, engineer, chief of police, fire chief, and such other chiefs, or superintendents of departments as the council may establish by ordinance. Class C includes clerks and assistants, embracing all persons employed in a clerical capacity or as assistants to officers. Class D embraces all other persons in the service of the city not otherwise classified. The civil service regulations apply only to class C.

Publicity and Reports—Practically all commission laws and charters provide for the publication of annual reports. The Illinois, Iowa, Kansas, and Wisconsin laws, and the charters of Colorado Springs, Dallas, Gloucester, Greenville, Haverhill, and Tacoma provide for monthly statements in addition. The Iowa provision which is typical is: "The council shall each month print in pamphlet form a detailed itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the state library, the city library, the daily newspapers of the city, and to persons who shall apply therefor at the office of the city clerk." Greenville also provides for such additional reports as the board of commissioners may from time to time provide by ordinance. Kansas provides for quarterly statements in addition to the monthly reports. North Dakota, Ardmore, Enid, Galveston, Grand Junction, and Fort Worth provide for quarterly reports. Boise City provides for

a quarterly report by the mayor on the condition and needs of the city, and a monthly report by the city clerk on its financial condition. South Dakota provides for semi-annual reports. Lewiston leaves the matter of publicity and reports entirely to the board of commissioners. Galveston makes no annual report as made by most cities, but publishes annually a statement of revenues and expenditures for the past year, together with estimates for the budget for the ensuing year. Other commission cities publish annual reports of the usual type.

Annual Audits—The Iowa law provides: "At the end of each year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examinations in the manner above provided for publication of statements of monthly expenditures." The Illinois and Wisconsin laws, and the charters of Berkeley, Gloucester, Haverhill, and Tacoma also have similar provisions, and specifically state that the audit shall be made by certified public accountants. Colorado Springs provides for a semi-annual audit by a certified public accountant. The Kansas and North Dakota laws, and the charters of Dallas and the other cities of Texas provide for an annual audit by the city auditor.

Provisions for Abandonment—Most of the general commission laws passed by the various states and providing for majority adoption by cities, also provide for abandonment after a trial of several years. Iowa, Kansas, Mississippi, South Carolina; and Wisconsin make such provisions. Iowa, South Carolina, and Wisconsin provide for abandonment after a trial of six years, Kansas after a trial of four years, and Mississippi at any time irrespective of the length of time it has been tried. The method of abandonment is similar to that of adoption.

SUCCESS OF COMMISSION GOVERNMENT

With the exception of Galveston and Houston, no city has been operating under the commission plan long enough to afford an adequate test of the system. All other cities have adopted it since 1907, and the great majority of them since 1909. Des Moines, Cedar Rapids, and Dallas are only now beginning their second administration under the plan. As there was, as has been the case in many of the commission governed cities, nearly a complete change in the personnel of each commission at the second election, it will take two or three administrations at least to demonstrate conclusively the success or failure of the plan in those cities as a working scheme of city government. "A new broom sweeps clean." Only after the plan has "found itself," to use Kipling's analogy of the ship, after the newness has worn off, and the different political forces and influences have readjusted themselves to the new conditions, can we have a fair test of the ultimate adaptability and workability of the plan. In Galveston the plan has been in operation nearly ten years, in Houston over five. In those cities, therefore, we can get a fair idea of the success of those particular types of the plan, based on experience. In both places the same administrations and the same policies have been maintained through each election since the plans were first adopted. The people have backed the commissions and the commissions have "made good." But in other cities it is manifestly impossible to come to any such definite conclusion. We can, however, find what has been the nature of the first administration, whether it has been returned, in those cities which have had a second election, and in this way get a general idea of what the success of these plans is likely to be.

A general survey of most of the cities operating under the commission plan seems to indicate an improvement. Business is transacted with more dispatch, streets are kept better cleaned, and municipal services in general better performed. The gen-

eral concensus of opinion in all cities under the commission plan appears to be that there is less inefficiency in the new system than in the old. And this, of course, is a saving for even though the citizen be required to spend as much money as before, he gets more for it than under the old system. On the other hand, the claims of so many ardent advocates of the commission plan that it has uniformly reduced the net indebtedness, lowered the tax rate, and curtailed the running expense of all cities which have adopted it, cannot always be borne out by the facts. In many of the smaller cities, especially, the higher salaries paid the commissioners over what was formerly paid the mayor and aldermen offsets all reductions which the commission has been able to make in the subordinate branches of the administration. This is particularly true where there has not been a thorough going revision of the old system. In general, however, it may be said that better accounting systems have been installed, much of the red tape and hindrances to prompt action removed, and the city administration as a whole placed on a more businesslike basis, than prevailed under the old aldermanic system.

RESULTS IN GALVESTON

The Galveston plan was from the first a success. It had the backing of practically all the taxpayers and a decided majority of the voters of the city. As a result, it succeeded in electing in the first instance, and has since been able to maintain in office, men of exceptional executive ability. Being given a free hand, these men have been able to make one of the most phenomenal showings ever made by any city administration in a like period of time. This showing is all the more emphasized by contrast with previous administrations.

While it is impossible to make detailed comparisons with the old administration because of the meagreness and unreliability of the old accounts, some enlightenment may be secured by a comparison of net results. Under the old administration, the annual budget had for years exceeded the income, producing a deficit of over \$100,000 per year. Every two years the legislature was asked for authority to issue \$200,000 in floating

indebtedness to meet this over-expenditure, until a bonded debt of nearly \$3,000,000 had been accumulated in this way. On January 1, 1901, following the flood, the old government had a floating debt of \$204,974.54, which shows that it was still continuing its old policy. The new administration, although it had a third less property to assess after the flood, kept the expenditures of the city within its income for the first time in years, and not only that, but actually made permanent improvements out of its reduced revenues. During the first five years it put over \$300,000 into permanent improvements and \$200,000 in a reduction of the net debt. Mr. George Kibbe Turner, after making a very careful investigation on the ground in 1906, makes the following very striking comparison.

"The Commission found the city bankrupt; it has raised its credit above par. It has saved Galveston one full third of her gross running expenses. The annual cost of the government of Galveston has averaged about \$650,000. In the four and a half years of commission government ending February 28, 1906, a saving of at least \$1,000,000—over \$220,000 a year—had been made in comparison, not with the vicious period of the ward aldermen but with the years of the general aldermen following 1895.

"The government in the four and a half years preceding the commission had incurred \$250,000 of debt for current running expenses; the new government incurred absolutely no debt for this purpose. The former government had had to its credit \$425,000 more in assessed taxes than the new one. After making allowance for the inefficiency of tax collection under the old regime, the commission during its first four and a half years, had saved the city at least \$500,000 which it must have raised by taxes or added debt if the old administration had been in charge. In addition, the commission had saved \$500,000 more. Of this \$200,000 was laid away by reducing the new debt by that amount, and \$300,000 was put into permanent improvements, which, if made at all, must certainly have been paid for by bonds if the former administration had been in charge. It might be objected, that the slightly smaller population in the second period, under the commission, would

call for smaller expenditures. But this is not true. The second period has called for larger outlays—for all kinds of repairs after the storm, and for the extension of the city's functions in every line, excepting possibly one—the fire department. And all this has been done under a slight average decrease in the tax rate.

“These results have been secured by straight, careful business methods, such as any man would apply to his own affairs. Great pressure and ingenuity has been used to add to the sources of revenue. An additional \$30,000 has been secured in the four and a half years from a vehicle tax, not collected in the period before. Nearly \$60,000 has been secured from interest on city deposits, which, by an extraordinary piece of carelessness, was given over previously to the city treasurer. Some \$7,500 has been realized from taking over the costs which had formerly gone to the chief of police and the prosecuting attorney in the city court. The waterworks at practically no increase in operating expenses have yielded \$115,000 more. And when the streets were rebuilt, the street railway paid its share of them—a matter of \$40,000. Added to this is a comparative saving in the four years and half of \$60,000 and \$40,000 in the police and fire departments, from a reduction in salaries and force, and nearly \$40,000 from the cheaper operation of the electric light department.

“But the one source of immediate income, where the greatest gains over the preceding government have been made, has been the collection of taxes. Nothing could have been looser than the methods of collection under the ward aldermen regime. Delinquent taxes were let go not merely for a few years; a great share of them were lost forever. In 1897, after the reform movement of 1895, \$115,000 was marked off the city's books at one time; since then, sums probably equally large have also been charged off as worthless. The government of the general alderman collected taxes better than its predecessor, but it, too, was making large losses. In its first four and a half years the commission collected \$90,000 more in back taxes than the preceding government did in the corresponding time. The showing in current taxes was even more striking. Although the com-

mission assessments were \$425,000 less in the period, its collections were within \$175,000 as much as those of the administration before—a gain of \$250,000. There is no miracle about all this. It means simply that for the first time Galveston is operated by business men on a business basis. Every possible corner of the city's operating system is now being watched with care, both to increase income and decrease running expenses."

The industry of the first four and a half years has characterized the entire administration of the Galveston commission. The total floating debt has been entirely paid. It has rebuilt the city hall, rebuilt the waterworks pumping station, and extended the water system. It has built three engine houses, and repaired all those damaged by the storm. It has repaved the entire business section of the city with brick at a total cost \$183,027.07—a cost of 40 per cent less than it cost the old government to pave the same with wooden blocks. It has built rock and shell roads aggregating \$181,064.04, provided a large amount of drainage at a cost of \$245,664.47, extended the sewer system, and secured a reduction in the interest on the bonded debt for a period of five years. Altogether \$609,755.58 has been expended for permanent improvements, all of which has been paid out of the current revenues of the city, with the exception of \$48,088.07 which was secured by the sale of bonds. The commission has also paid off old judgments, handed down from the old government, aggregating \$18,026.65, and retired \$462,000 of the bonded debt. It has also purchased new fire engines, and other equipment. Under the commission administration city employes have been paid in cash and the city has never had to borrow money to tide it over until the taxes came in. As taxes were not due until October, the old city government regularly had to borrow from \$50,000 to \$100,000 to tide over the summer months.

In addition to the management of its municipal finances, two great public works were planned at the instance and under the direction of the city commission by a board of engineers and have since been completed, namely: the building of a sea wall to protect the city from future floods, and the raising of the

grade of the city. The total cost of these two undertakings was nearly five million dollars (\$4,783,138, not including the cost of raising several thousand buildings). The sea wall was built by the county of Galveston, of which Galveston forms 80 per cent financially, and the grade raising was done by the city alone. For this latter purpose the city issued \$2,000,000 of bonds. Both these projects have been completed and Galveston rendered safe from serious danger from the most violent storm that could possibly occur. It is protected by a sea wall four and a half miles long and seventeen feet high, and the grade of the city has been raised on an average eight feet.

Aside from the \$2,000,000 grade raising bonds, the commission has only issued or asked for authority to issue, \$450,000 in bonds during its entire administration. Of these \$50,000 were for building and repairing school buildings, \$100,000 for a duplicate watermain across the bay, and \$300,000 for additional street filling, drainage, and paving. They were authorized by popular vote April 25, 1908. Up to February 28, 1909, only \$25,000 of the school bonds had been issued. Galveston's net bonded debt on that date was \$4,014,156.73.

The limits of this bulletin will not permit going into the moral and other improvements inaugurated by the new government. Under the old government Galveston had been an "open" town. The commission took a stand against the variety shows and dance halls, enforced better regulations of the saloons, and closed the policy-shops, and gambling houses. Saloons had never before been regulated; they ran all night and every day. The commission has strictly enforced an ordinance closing them at midnight. Gambling houses which had run unmolested for fifty years, were prosecuted out of business, or into exile. In fact, the reforms in this field were only less striking than in the financial. Although Galveston is not a "closed" town and probably never will be with its population and business sentiments, it is a city where the laws that exist are thoroughly enforced.

In reviewing the success of the Galveston commission, however, it is necessary to mention a civic organization which has undoubtedly contributed not a little to that success—the "City

Club" of Galveston. The City Club is an organization of the business men of Galveston organized for the purpose of civic improvement. One of its most important duties has been, however, the maintenance of the commission in power. It is a theory of the government of Galveston that the office should seek the man, and not the man the office. Consequently the City Club has undertaken to relieve the city commissioners of all responsibilities connected with their re-election. Thus, the commissioners themselves are taken out of politics. They are men who in general dislike politics in the general sense of the term, and who could be induced to accept public office under no other conditions. They merely consent to serve if elected. The City Club undertakes their election. It raises the campaign funds by subscription, publishes and circulates the literature, and looks after all the details of the election. The commissioners do not even contribute to the campaign fund.

The club has been entirely successful in every election except the last one, and returned its candidates to office. At the last election, in May 1909, the club refused to endorse the police commissioner, but he was re-elected. The club also endorsed the mayor for re-election, but he was defeated by the opposing candidate. In the case of the mayor, however, there was no great difference between the two candidates, and, while the club endorsed the mayor for re-election, it did not oppose the election of the successful candidate. So the government of Galveston is still being administered by the same commission which has been in power since it was first adopted in 1901, with the single exception that it has a new mayor.

Galveston owns its own waterworks, costing over a million and a half, its own sewer plant, and its own electric light plant. All three have been very successfully operated under the commission.

RESULTS IN HOUSTON

The success of the Houston commission has been second only to that of Galveston. At its inauguration in July, 1905, it found a floating debt of over \$400,000 and an empty treasury. The city was virtually without credit and scarcely a single merchant in the city wished to transact business with it. The new government began by abolishing useless and expensive offices. The city attorney was instructed to file suits for all delinquent taxes. This caused a flow into the treasury of over \$100,000 in less than a year. By the strictest economy the commission redeemed in the first eight months of its term \$306,202.47 of the old floating debt, besides paying its monthly bills promptly. The credit of the city was restored. In its first three years of commission rule, Houston gave to its taxpayers out of the treasury, without the issuance of a single bond, public improvements aggregating over \$700,000, besides the entire elimination of its old \$400,000 floating debt, and the creation for the first time in its history of a sinking fund for the final redemption of its bonded indebtedness, and this in addition to a reduction in the tax rate of 20 cents on \$100. These improvements were as follows:

School buildings	\$137,320.71
Paved Streets	210,760.47
Sewers	51,102.87
Fire Engine Houses	12,250.00
Fire Station Sites	2,250.00
Parks	49,300.00
Deepening Buffalo Bayou	50,163.75
Water Improvements	113,229.27
Wood Block System for Assessor and Collector	10,000.00
Sinking Fund	63,522.15
Opening Streets	647.75

Making a total of\$700,546.97

During the year 1908-9 additional permanent improvements were made as follows, aggregating \$382,629.05, all of which was also paid out of the general fund with the exception of \$70,815.59, which was paid from the revenues received from bonds.

New Additions to School Buildings	\$80,840.17
Sewers	36,729.06
Water Plant	71,341.43
Street Paving	121,235.86
Buffalo Bayou Improvement	21,903.74
Fire Department	27,498.01
Streets and Bridges	19,260.07
Miscellaneous Improvements	3,820.71

Making a total of\$382,629.05

Following this table in the finance commissioner's report for the year ending February 28, 1909, is the following statement:

"Cash on hand is \$691,675.54 in excess of last year and available assets over \$730,668.39 in excess after setting aside \$40,313.90 to the sinking fund. While liabilities also show an increase over last year amounting to \$37,918.72, the final showing of totals gives us an increase in excess of assets over liabilities for the year amounting to \$349,372.12."

The old floating indebtedness of \$400,000 has now been entirely paid and the practice of issuing bonds to cover annual deficits has never been resorted to since the old government went out of power. Current obligations of the city are promptly met, and city warrants never sell below par.

The bonded indebtedness of Houston on the 28th of February, 1909 was \$4,719,000 of which \$3,485,000 was incurred by the old government previous to the inauguration of the commission plan. The commission has, therefore, incurred \$1,234,000 of bonded indebtedness since 1905. Practically half of this was occasioned by the purchase of its waterworks, which was made shortly after the commission came into power. In 1903 the purchase of the waterworks had been voted down

by a popular vote of three to one through lack of confidence in the administration. In 1906, it was authorized at a cost of \$901,000.00 by an equally decisive vote. Of the purchase price, \$467,000.00 was a mortgage assumed by the city and the balance \$434,000 was met by a bond issue, the proceeds of which were used to purchase the stock of the water company. A remarkable showing has been made by the waterworks since it has been operated by the city. In his annual report for the year ending February 28, 1909, Mr. Thompson, chairman of the water, light, and health committees says:

“Attention is called to the fact that the earning capacity of the old water company during the last year it was operated under private ownership, said year ending February 28, 1906, amounted to \$154,352.49. Included in the earnings for that year is the sum of \$22,760.00 hydrant rents paid by the city of Houston for the use of fire hydrants. Under the city's ownership, the city pays nothing for hydrant rentals; but in order to arrive at a fair comparison between the last year of private ownership and the last year of municipal ownership it would be necessary to add to the \$197,005.48 gross earnings for the year ending February 28, 1909, the sum of \$24,810.00 fire hydrant rentals, based on the price paid by the city to the old water company. This swells the gross earnings for said fiscal year to the sum of \$221,815.48, or \$67,463.00 more than the total receipts of the old water company during its last year, and shows a balance in favor of the water department over and above interest and operating expenses of \$108,763.52. This showing is made in the face of the fact that the water department furnishes to the city, free of charge, water for street sprinkling and water for the use of the public schools, and for the use of all other buildings. And in the face of the further fact that the flat rate charged for the service is exactly the same as that charged by the old water company, while the meter rate has been decreased from fifty cents per one thousand gallons to a sliding scale between twenty and thirty cents per one thousand gallons, according to the amount of water consumed.

“You will also note that the budget allowance for the opera-

tion of the water department during the last fiscal year was \$80,000.00 of which sum only \$33,331.96 was required to operate the plant which leaves an unexpended balance of \$16,668.04.

"It is interesting to note that the operation of the Water Department under the municipal ownership has not cost the general taxpayer a single penny.

"The foregoing report shows that all items of expense are included under the two heads, 'Cost of Operation and Interest,' and that all of said expenses of whatever kind have been paid out of the earnings of the plant; and after all of said payments have been made, the actual earnings over and above expenditures amount to the sum of \$83,953.52. And if the cost of fire hydrants be included, the sum actually realized by the city of Houston is \$108,763.52 which is more than 12 per cent income on the money originally invested by the city in the waterworks properties.

"Not only has the operation of the water department cost the general tax-payer nothing, the entire cost of maintaining and operating the plant being borne by the water consumer, but what is more important, an abundance of pure artesian water, than which there is none better, has been furnished the people, and an adequate pressure and supply for operating the fire department has been maintained at all times. Not once for a single moment has there been a resort to the old bayou for water, either for fighting fire or any other purpose during the fiscal year ending February 28, 1909."

The water department since the city's ownership, has also, out of the earnings and without cost to the general taxpayer, laid 44,050 feet (8.2 miles) of 8-inch water pipe; has placed seventy-six new fire hydrants; has purchased and placed 5,025 feet of 24-inch water pipe; has purchased a new air compressor; duplicated the boiler capacity; erected several new buildings; expended about \$8,000.00 for water meters, and generally overhauled and repaired all of the machinery at the plant.

Houston does not own or operate an electric light plant. In 1905, when the commission went in, the city was paying \$80 per year per arc lamp for city lighting, but the commission has succeeded in reducing this price to \$70. In 1905, the price

of gas was \$1.50 per thousand feet, but it has reduced this price to \$1.15, the lowest rate in Texas. These reductions have been secured without friction or litigation. The tax rate of the city has been reduced from \$2 to \$1.70. Vitrified brick paving has been substituted for the old wood block. A ship-load of brick was imported from New York to break up the brick combination. Dangerous bridges across the Buffalo Bayou in the heart of the city which the old city government claimed could not be replaced or rebuilt without the issue of bonds, the commission has replaced or rebuilt out of current revenues. Three were rebuilt by the commission with its own labor, and twelve others repaired. The cost of city plumbing has been reduced from fifteen to twenty-five per cent, and business methods installed in all departments.

An illustration of the manner in which the business administration of the city was reorganized by the commission government on its advent to power is afforded by an innovation which it introduced in the office of city treasurer. Under the old system there had been a city treasurer on a salary of \$2,500 per year. Nothing was said about interest on city deposits so these also went to the treasurer. The city commission abolished the office of city treasurer and appointed one of the national banks city depository. Now the city handles its business through the bank the same as any other corporation, the city paying the bank \$50 per month clerk hire and the bank paying the city interest on all balances to the credit of the city in the bank. In this way the city annually receives \$6,000 to \$10,000 which formerly went to the city treasurers.

In the words of Mayor Rice in his annual message, "The financial condition of Houston is in splendid shape. We not only enter the new year (1909-10) without any floating indebtedness, but a surplus on hand, and with \$100,000.00 worth of Harris county bonds in our sinking fund drawing interest."

FIRST YEAR IN DES MOINES UNDER COMMISSION GOVERNMENT

Only the first annual report of the city of Des Moines under its commission government is available for this bulletin, therefore such conclusions as are drawn with regard to its operation must be based upon a single year's experience. This first year's report, however, is a fairly complete and instructive one, and furnishes as extensive comparisons with the last year of the old administration as the records of the old administration permit. In general, it would indicate a relative advantage in favor of the new system. The new government kept within the revenues of the city, a practice which had not been followed by the old administration for several years. At the end of its first fiscal year, the commission had made a relatively better financial showing, by approximately \$180,000 than the preceding administration at the close of its last fiscal year. In the details of administration in the various departments, however, the commission shows a gain over the old system in some and a loss in others.

During the first year the commission made a material increase in the number of yards of brick paving laid, but at a somewhat increased cost per yard over the preceding administration. During 1907, the last year under the old government, 46,780 yards were put down at a cost of \$82,413.57, or \$1.80 per yard. During 1908, the first year under the commission, 54,603.33 square yards were laid at a total cost of \$111,178.11 or \$2.03 per yard, an increase of 23 cents per yard or \$1,600.

In 1907, 28,759 yards of asphalt were laid at a cost of \$2.09 per yard or \$57,781.38; in 1908, 44,302 yards were laid at a cost of \$2.07 per yard, or \$91,993.94, a saving of \$885.

In 1907, 20,021 yards of creosote block were laid at a total cost of \$52,928.02 and in 1908, 11,166 yards were laid at a cost of \$29,871.05, an increase of about \$0.03 per yard.

The total number of lineal feet of curbing constructed during 1907 was 20,037, and during 1908, 15,335, and the costs were \$8,597.19 and \$6,214 respectively, a saving of approximately

\$0.02½ per foot in favor of the commission. The combined curb and gutter construction for 1907 was 33,141 feet and cost \$11,713.24, for 1908, 4,195 feet and cost \$2,607.61, an increase of \$0.27 per foot over the preceding year. In 1907, 62,302 feet of sewer were built costing \$105,327.97; in 1908, 51,755 feet were built costing \$102,141.70, an increase of approximately \$0.28 per foot. The average cost of all the paving done by the old government in 1907 was \$1.98 per square yard, while that of the commission in 1908 was \$2.09, an increased cost of about eleven cents per yard.

From these figures it would appear that the commission, during its first year, not only failed to reduce the cost of paving, but that on the whole it constructed its pavement at a slightly increased cost. The same thing is true in the matter of sidewalk construction. In 1907, 69,259 square feet of brick and 13,445 of cement walk were put down. The contract price on the brick was 7 8-10 cents and on the cement 10 9-10 cents. In 1908, 63,857 square feet of brick and 13,957 of cement were laid, the contract price for brick being 8 1-2 cents and for the cement 10 3-4 cents.

But, of course, these figures must not be taken too seriously. It must be remembered that all public improvements in Des Moines are let by contract, and that during 1908 there was an increase in labor costs as well as in the cost of materials, both of which were reflected in increased contract prices. On the other hand, it will probably be universally conceded that the paving materials were of better quality and that specifications were more closely complied with under the commission than under the preceding administration. Contractors were held strictly to specifications and all claims for extras, a practice which had grown into an abuse, were rejected. Several carloads of inferior creosote paving blocks were rejected because they did not come up to the required test. So that taking all these into consideration—increased labor costs and contract prices, better material and closer conformity to specifications—it is probable that the commission, even in the matter of these public improvements, has made a better showing than the old

administration, notwithstanding the apparent disadvantage, as evidenced by the above figures.

And in Des Moines the success of the commission will depend largely upon the showing which it can make in the Department of Streets and Public Improvements, since the city operates no public utilities. Des Moines has no municipal waterworks, or public lighting plant. These services are furnished by private companies. On the other hand, the matter of street paving and maintenance enjoys unusual importance, because of the unusual extent of improved streets within the city. Des Moines has over seventy-five miles of paved streets, brick, asphalt, and creosote block, a larger number in proportion to population than any other city in the United States. Being spread over so large an area, its sewage problem is equally increased. It has over 105 miles of sewerage. Thus the Department of Streets and Public Improvements is the most important department of the city from the business point of view, and the success of the commission will largely depend upon the showing made by this department.

In the matter of public lighting the commission made a better showing than the preceding administration. The gas and electric service combined for the city during 1907 cost \$66,242.96, and during 1908 \$60,693.99, making a saving under the new plan of \$5,548.97. In addition, seventy-one more lights were in use in 1908 than the year before. Electric arcs, 2,000 candle power, burning all night and every night, 4,000 hours per year were \$95 and \$75 per lamp per year under the old administration, but were reduced to \$65 under the commission. The same lights on moonlight schedule, 2,182 hours per year, were \$65 per year in 1907, and \$65 per year in 1908, but burned all night and every night, 4,000 hours per year. The rate for 32 candle power incandescents on an all night schedule was reduced from \$24 per year to \$17.04. The commission secured the same rate for an all night schedule, 4,000 hours per year, as the old administration did for a moonlight schedule of 2,182 hours per year. The gas rate was reduced from \$22 per year to \$17.

The total cost of caring for the dumps in 1907 and 1908 was exactly the same, \$2,160, but in 1908, 57,159 loads of refuse were received as against 44,637 in 1907. The average cost of clean-

ing catch basins was lowered from \$1.40 in 1907 to \$1.05 in 1908. The total for this work in 1907 was \$3,190.70, and in 1908, \$4,949.05, 2,272 being cleaned in 1907, and 4,682 in 1908. The wages of men with teams were increased from \$3.50 to \$4.50 per day, and those of day laborers from \$2. to \$2.25.

The most striking improvement made by the commission was the planning of a civic centre, and the improvement of the river banks connected with it. This is so planned that there will be a grouping of public buildings in two blocks on each side of the river. The public library, new federal building, and coliseum stand on one side and the city hall, now in process of construction, on the opposite side of the river. The commission is now parking both river banks, thus making a beautiful civic centre and central park, of a naturally beautiful section formerly covered with tumble-down shanties and river debris.

It seems to be the uniform opinion of business men in Des Moines that the streets have been better cleaned and the general tone of municipal service somewhat improved under the commission during its first year. It is significant in this connection to note that, whereas formerly Des Moines was divided into East and West Des Moines, both sides have been united in support of the commission.

In the matter of salaries the commission appears to have slightly increased the pay roll over that of 1907. The report of the auditor shows that in 1907, the roll was approximately \$256,570, as compared with \$262,475, for 1908, an increase of approximately \$5,905.²⁰ These increases were made in the Departments of Public Affairs, Public Safety, and Finance and Revenue. The departments of Parks and Public Property, and Streets and Public Improvements, made quite substantial reductions. The total salaries of the Police Department were decreased, but those of the Fire Department were increased.

The following comparative statement prepared by the City

²⁰ As explained by the auditor in his report, these figures should be used for comparative purposes only, and do not represent the complete list of salaries paid, mainly for the reasons that the two do not cover exactly the same length of time, and that there is no record of the salaries paid in some of the different departments which were under different control prior to April 6, 1908.

Auditor shows the relative standing of the working funds for the fiscal years 1907 and 1908.

COMPARATIVE STATEMENT OF WORKING FUNDS

1907 and 1908

Cash on hand April 1st, 1907.....	\$70, 396. 63	
Claims outstanding	55, 085. 83	
	<hr/>	
Excess cash over claims		\$15, 310. 80
Cash on hand April 1st, 1908	\$72, 790. 11	
Claims outstanding	191, 989. 93	
	<hr/>	
Excess claims over cash		119, 199. 82
		<hr/>
Loss 1907		\$134, 510. 62
Claims outstanding April 1st 1908..	\$191, 989. 93	
Claims paid by bond issue.....	175, 616. 07	
	<hr/>	
Claims that were not paid by bond issue.....		16, 373. 86
Cash on hand April 1st, 1908.....		72, 790. 11
		<hr/>
Excess cash over claims that were not paid by bond issue		\$56, 416. 25
Cash on hand April 1st, 1909.....	\$164, 352. 05	
Claims outstanding	59, 496. 77	
	<hr/>	
Excess cash over claims		\$104, 855. 28
Gain 1908		48, 439. 03
		<hr/>
Gain 1908 over 1907		\$182, 949. 65

An examination of this statement shows that the old administration at the close of its fiscal year left a deficit of \$119, 199.82. This the commission met largely by the issue of bonds,

in order that it might not be handicapped by a deficit at the beginning. At the end of the year the commission had an excess of cash over claims of \$104,855.28, a gain during the year of \$48,439.03. In other words, instead of running behind during the year \$119,199.82, as the previous administration had done, it ran ahead \$48,439.03, thus making a relative saving over the previous administration of \$182,949.65.

SUCCESS IN OTHER CITIES

The success in other commission governed cities appears to be not greatly unlike that of Des Moines—less striking than in Galveston and Houston, but in general a more or less marked improvement on the previous administration. In Dallas, the commission in its first two years reduced the city's overdrafts from over \$200,000 to a cash balance. It paved more streets, and laid more sidewalks than had been paved and laid during any other two year period in the city's history. It built three new school buildings, two new fire stations, and bought four new parks without the issue of bonds, and, in general, reorganized the system of street cleaning and the inspection of public improvements. The administration was returned at the second election.

Speaking in New York before a meeting of business men, September 30th, 1909, C. B. Gillespie, Commissioner of Finance and Revenue, said: "In the two years' experience of Dallas, under the commission form of government, many miles of streets have been substantially paved; the enforcement of sidewalk construction is general throughout the city; four new parks have been acquired, numerous public buildings have been erected, extensive additions to the waterworks system are under way, and many reforms have been brought about, among which was the reduction of the city's street lighting from \$73 per arc light per year to \$60. In a financial way the city has shown a decided improvement. Its books are maintained up to date in every respect and the status of any fund or account can be ascertained at any hour as easily as a bank can show a depositor's balance. New methods and systems

have been invoked; daily itemized reports of all collections are required, together with a deposit daily with the treasurer of all funds collected, all of which is followed by regular systematic checking of all departments. The city of Dallas operates 33 departments under what is known as its general fund, and which does not include the school, park, library, water and sewerage, street improvement, and interest, and sinking funds. On May 1st, 1907, one month before the present board of commissioners assumed control, the general fund of the city was overdrawn \$122,575.27, which was the result of two acts of the former council administration:

"1st, making an excess budget over receipts of \$67,084.66.

"2nd, expending in excess of its budget \$55,490.61.

"During the two years ending May 1st, 1909, the board of commissioners maintained these departments at a net saving under the cost of the former administration, and by enforcing the collection of all revenues it was enabled to liquidate the above overdraft and close the fiscal year with a credit balance in its general fund of \$10,290.02.

"The affairs of the city are treated as a business proposition, and are handled about the same as a bank's directory would manage its affairs, and during the two and a fraction years of the Dallas Board of Commissioners no disruption of any kind has occurred. Nor has a single speech been made by the mayor or any member of the board at any of its meetings."

In Cedar Rapids, Iowa, the entire personnel of the commission, with two exceptions was changed at the second election, but this appears to have been caused by a local question of policy rather than a failure of the commission to show satisfactory results. The question arose as a result of a certain contractor failing to put paving material of the standard required by the specifications of his contract, into a certain paving job. A majority of the commissioners insisted upon his tearing up the pavement, and replacing it with material of the required standard, although he offered to accept a proportional reduction in the contract price. Petitions against this proceeding of the board were presented by the abutting property owners, asking that the defective pavement be allowed to stand, but

the commission, believing that such an action would establish a bad precedent, and lead to trouble in making future contractors comply with specifications, refused to yield. At the next election, all those members of the board voting in favor of the board's action were defeated for re-election.

Notwithstanding this trouble, the first commission in Cedar Rapids seems to have been fairly satisfactory and an improvement on the administration preceding it. It placed the city on a cash basis and secured a discount of 2 per cent on all city bills except contracts. It retired over \$60,000 of the bonded debt and made many permanent improvements out of current revenues, although the tax rate was reduced one mill. Here, as at Des Moines, one of the most striking improvements was the beginning of a civic centre. The commission secured the services of Charles Mulford Robinson, the landscape architect and municipal expert, and in accordance with his plans purchased the island in Cedar river, formerly a dumping ground, and converted it into a civic centre where will stand the new city hall and other municipal buildings. The city also purchased additional park property and made extensive park improvements, put up new street signs and provided waste paper receptacles on the streets. The laws were more generally enforced than before. Formerly, the average amount collected for fines and penalties was about \$70; under the commission it was increased to \$700 per month without an increase in arrests. License taxes were uniformly collected and regulations more generally enforced. Aside from improvements of this nature, however, the general cost of administration was not greatly reduced.

An incident, which probably better illustrates the efficiency of the new plan over the old in the matter of administration, is that connected with bridge construction in Cedar Rapids. The city had long been in need of three bridges across the Cedar river, one of which was much more needed than the other two. The proposition of building this one bridge was repeatedly brought up in the old council, but each time the aldermen from the wards in which the other two bridges were needed would immediately bring up the proposition of build-

ing the other two bridges also. The alignment of the ward aldermen was such that the council could not order the construction of any one bridge without at the same time ordering the construction of all three. Finally, the question of a bond issue to build all three was submitted to popular vote, but was voted down by the people who were opposed to so large an issue at one time. In this way, through log-rolling and wire-pulling in the old council, the construction of all three bridges was delayed for years, the aldermen in each ward refusing to yield precedence to any other ward. One of the first acts of the commission on coming into control was to order the construction of the bridge most needed. The bonds were voted and the bridge is now completed. The commission is proceeding with the construction of the bridges one at a time, and is now preparing to build the second one.

In Leavenworth, Kansas, during the first two years, a net reduction in the bonded debt of \$112,950 was made. New bonds were only issued to the amount of \$27,000 which were represented by permanent improvements. In spite of a loss of approximately \$80,000 a year from illegal saloon licenses, the commission slightly reduced the general tax rate. A material increase was made in the average amount of public improvements made each year, and the city was placed on a cash basis. In general, the commission seems to meet expectations and has been reasonably successful, although not at all strikingly remarkable.

The records of these cities, as indeed the record of practically all cities that have so far adopted the commission plan, show that the plan has invariably led to improvement over the old system. In some instances, the improvement has been marked, even phenomenal, but in most cases merely what might be reasonably expected from the introduction of better business methods. It has not always resulted in an actual reduction in the cost of running the city, but it has invariably resulted in an improvement in the services rendered. In all cases the city has been placed on a cash basis, and its credit raised to par or above. In no city has there been a deficit at the end of the year. All cities have received interest on

their deposits, and have received such discounts as have been offered for cash payments. In general, there has been an increase in the yearly improvements made, and in most cities, a more liberal park policy pursued. In practically all cities operating public utilities, there has been an increase in the revenue, and a reduction in operating expenses, due to the introduction of better business and administrative methods. In no city has there been any suggestion of graft or dishonesty on the part of any commissioner, or of any public official appointed by one, nor has any commissioner ever been recalled, although one or two unsuccessful attempts have been made. No recall election has ever been called. No city, having adopted the commission plan, has yet abandoned it.

Thus it would seem that the commission plan has established a *prima facie* case. Whether or not this will be permanent, and the same results will be obtained when the newness has worn off and the novelty of the change has gone, only the longer experience of a larger number of cities can show.

MODIFICATIONS OF THE COMMISSION PLAN

No treatise on commission government would be complete without mentioning at least two adaptations of the principle of commission government which have been made under a different form of organization, namely, the charter of Newport, R. I., and the experiment of Staunton, Va.

One of the most common criticisms of commission government has been that it combines the appropriating and spending powers in the same body. The new charter of Newport which was adopted in June, 1906, attempts to obviate this criticism and to retain the old New England system of town government. As towns increase in population and the electorate comes to exceed two or three thousand voters, the town meeting ceases to be a deliberative assembly, and interest in municipal affairs wanes. To remedy this, Newport created a representative assembly, sufficiently large to be fairly representative of the entire body of citizens, and then gave to this representative assembly practically all the powers usually vested in the town meeting—the control of appropriations and apportionment, the election of important officers, the direction of subordinates, etc.

This representative council consists of one hundred and ninety-five members—thirty-nine from each ward—elected for three years, one-third being elected each year. It meets annually on the first Monday in January, and at such other times as it may adjourn to, or prescribe by rule. Special meetings may be called at any time by any twenty-five members or by the board of aldermen. It chooses a chairman, who appoints a committee of twenty-five—five from each ward—to consider the subject of the annual appropriations for the ensuing year. Any taxpayer may speak before this council. The council has the power to levy and collect taxes, to pass ordinances and regulations, and to perform all the duties of the town meeting. It is in fact the local governing board, representing the electors of the city. It

elects the city treasurer, city clerk, judge of probate, collector of taxes, city solicitor, and all the other municipal officers provided for by the laws of the state. It may also create and fill offices according to its judgment of the needs of the city. It determines the salary of all elective officers and may remove them by a two-thirds vote.

The executive powers of the city, except as otherwise directed by the representative council, are vested in a mayor and five aldermen, one elected from each of the five wards, who compose the board of aldermen. The board of aldermen exercises a general supervision over the various departments of the administration, and over all matters affecting the welfare of the city, as well as makes recommendations to the representative council. In general, the board of aldermen is vested with the powers usually conferred on town councils and boards of aldermen, except such of those powers as are exercised by the representative council. In other words, it is the administrative branch of the city government and performs much the same functions as the city council or commission under the commission form of government, except that it is deprived of the power of levying taxes and electing the subordinate administrative officials of the city.

It is not necessary to go into the advantages and disadvantages of the plan; these will become apparent during the course of the discussion of the advantages and disadvantages of the commission plan. The point to be noted is that it recognizes the principle that municipal government must be administered by a few special administrative officers who are responsible for the entire administration of the city. With regard to the representative council, it is probably sufficient to say that it merely removes the people one step farther from the officers who administer the city's affairs, and to that extent dissipates popular control.

The other instance, Staunton, Va., even more strikingly illustrates the principle that administrative powers must be concentrated and placed in the hands of special administrative officers. Staunton had concluded that the commission plan promised the greatest efficiency in administration, but the constitu-

tion of Virginia prescribes the form of municipal organization for all cities of the first class, and requires a council of two chambers. Consequently the commission plan could not be adopted without a constitutional amendment. An alternate plan was, therefore, devised—the creation of a “City Business Manager.” Retaining the mayor and council system, an ordinance was passed creating the office of business manager and vesting it with the entire charge and control of all the executive and administrative work of the city. The business manager appoints the heads of the various departments and their employes, makes all contracts for labor and supplies, performs all the administrative and executive work formerly performed by the general standing committees of the councils, and supervises the administration of public services and public improvements.

In other words, responsibility for the administration has been centered in one man. All the administrative and business activities of the city have been brought together under a single head, closely coördinating the work of the different departments—which is one of the essential features of the commission plan.

Neither of these instances are important in themselves, but they give expression to the tendency, even outside the commission government movement, to concentrate power and responsibility in an effort to secure efficiency. General reduction in the membership of common councils, increased powers in the hands of the mayor, the creation of boards of estimate and apportionment, and the creation of finance commissions, are all expressions of this same tendency, and are steps toward commission government in principle.

ADVANTAGES OF THE COMMISSION FORM OF ORGANIZATION

The first great advantage of the commission plan is its simplicity. Our municipal government has been far too complicated. "In the first place," says President Eliot, "the structure of the city government in this country was a most unfortunate one. It was copied early in the nineteenth century from the structure of the national government, and, therefore, had its upper house—the aldermen, its lower house—the common council, its executive—the mayor. Now, city business is almost wholly administrative or executive, and is very little concerned with large policies or far-reaching legislation. There is no occasion for two legislative bodies, or even one in the government of a city. Modern cities have to provide and maintain schools, roads and bridges, sewers, a water supply, a fire department, courts, police, and street lights, and to take care of the numerous helpless and defective members of the community. On all these subjects there is no doubt whatever as to what the people need, and the proper supply of their needs is a matter of purely administrative business. * * *

"The conditions under which the municipal business is now conducted are so different from those which existed when the American form of city government was set up, that one might reasonably expect a form not wholly impracticable sixty years or eighty years ago to have become absolutely unsuitable, or even impossible today."²¹

But not only have the functions of the city changed during the last hundred years; the whole popular attitude toward government, and even the functions of government itself have changed. "The formative period in the development of our American cities," says Professor Rowe, "was dominated by an

²¹ "City Government by Fewer Men" by Charles W. Eliot, in *The World's Work*, Oct., 1907.

essentially negative view of government. During the eighteenth and the greater part of the nineteenth centuries American political thought was concerned primarily, in fact, almost exclusively, with the protection of individual rights. A minimum of government and a maximum of individual liberty represented the primary standards of political thought and action. * * *

“Viewed in the perspective of the last hundred years, the contrast between the conditions out of which our ideas of local government developed and the circumstances which now confront us is fraught with lessons which we cannot afford to ignore if we hope to build up vigorous, local institutions. The menace to individual liberty from the tyranny of government is no longer a real one. * * * On the other hand, the concentration of population and the growth of great industrial centers have brought into the foreground a mass of new problems which the community is compelled to face. Many of them come directly within the legitimate sphere of government, but so strong is the hold of the political ideas of the eighteenth century that in most of our cities we must depend upon private effort for their solution.”²²

The need of protection for individual rights is as great as ever, but the source of danger has been substituted. It is no longer the tyranny of government from which the individual must be protected, but the tyranny of industrial combinations and their control of the organs of government. This has necessitated an extension of municipal functions, that the community may grapple with problems that have arisen as a result of the changed social, economic, and political conditions. The ideas of governmental organization, which prevailed at the time our American city government was instituted, are no longer applicable to the conditions which prevail in our cities, or adequate to the functions which they perform. There must be a readjustment of the machinery of government that will permit and facilitate positive action instead of hindering and making it increasingly difficult as under our present system.

Thus the old system is being replaced. The division of pow-

²² “Problems of City Government” by L. S. Rowe, p. 195-6.

ers, designed to hinder and obstruct, is giving way to government by a single board. In place of a city government composed of a mayor, a city council—of possibly two chambers made up of from ten to thirty aldermen from as many wards and divided into as many committees, numerous elected officials—city clerk, city attorney, treasurer, auditor, comptroller, innumerable boards and commissions—public works, health, parks, board of police and fire commissioners, board of estimates, library board, sinking fund commission, as well as a city engineer, marshal, commissioner of streets, superintendent of the poor, and a dozen and one other subordinate appointive or elective officials, all independent and jealous of each other, with overlapping jurisdiction and conflicting authority—in place of this complicated, friction-bearing, red-tape wrapped system is substituted government by a single board. The entire administration of the city government is placed in the hands of a single board composed of three or five well-known men. These men are responsible for all branches of the administration. They meet in conference on city affairs daily, or at any time a matter of public or administrative importance should be decided. All questions are simply and finally settled by a majority vote of the board. The heads of all departments, all city officials, and employes of the city are directly responsible to them, and immediately under their supervision and control. It is a simple, direct, business-like way of administering the business affairs of the city, easy to understand, easy to operate—an application to city administration of that type of business organization which has been so common and so successful in the field of commerce and industry. Simplicity, directness, and effective control are the primary principles of the commission plan.

A direct result of this simplicity of organization is promptness and effectiveness of action. Promptness and efficiency in local administration are imperative. As Mayor Rice of Houston says:²³ “Here is one of, if not the strongest, points in the commission government. * * *

²³ Address at Charlotte, N. C., November 18, 1908.

"In the city of Houston, with a majority of the aldermen always in session, business of the people can be, and is attended to at a moment's notice. To show the practical application of this system—there is really no need of petition to the city council at their regular weekly meetings.

"Any citizen, or citizens, who want a street paved, taxes adjusted, nuisances abated, etc., have only to call at the mayor's office and have his or their matters promptly adjusted. After a patient hearing, the matter is decided by the council in presence of the applicant. * * *

"To demonstrate, I will cite an incident that happened several months ago. A gentleman, a non-resident of Houston, whose home was in a western state, owned some property in our city and the property had been recently taken into the city limits. Investigating his assessment, he found that his property had been placed at a much higher valuation than that of his neighbors. Being a stranger, he called upon one of Houston's leading attorneys, and asked his advice how to proceed for relief. The attorney suggested that they step over to the mayor's office and have the matter corrected. The owner of the land thought it would be wiser for the lawyer to get some of his friends to sign a petition to the council, so that it would have some weight with the authorities. The attorney replied that this mode of procedure was entirely unnecessary, as Houston now had a business government. They called at my office; stated their mission. I sent for the tax collector, and in an hour the stranger had his matter adjusted and his tax receipt in his pocket."

A system of division of powers is certain to counter-balance what is gained in security from hasty and arbitrary action by what is lost in delay and inability to cope with problems which demand prompt and definite attention.²⁴

²⁴ This point was strikingly illustrated by a story which was circulated with telling effect in Des Moines during the campaign for the adoption of the commission plan. It seems that there was, among the citizens of Des Moines, one who was given over to the practice of raising fancy chickens in his basement. One day a cesspool overflowed or a watermain burst, and the water flowed into his basement, drowning a number of his chickens. The owner went down to an Irishman in the city hall who had charge of street work, and made inquiries

The greatest advantage of the commission system, however, is that it concentrates and centralizes the power of municipal administration and definitely fixes official responsibility. By concentrating powers and focusing public attention upon a narrow area, it renders more effective the scrutiny which voters may apply to the conduct of men in public office. Under the system of divided powers and responsibility the public official does not feel that degree of personal responsibility necessary to effective action, and is prone to throw the burden, especially if it be a disagreeable one, upon his associates, who in turn endeavor to do the same. Under the commission plan, responsibility is absolutely fixed; some one man is responsible, and every voter in the city knows the man. It is an easy matter to tell if the streets are clean, if the water is clear, or the police service good. The public official is judged simply and solely upon the service he gives. The citizen knows the head of each department—the man who is responsible for everything which the city furnishes—and votes accordingly. As Mr. Turner has said:²⁵ “A citizen can judge the man who furnishes the streets and city water and other municipal supplies just as well as he does his grocer and milkman. If the product isn’t good, discharge them and get new ones.” If the system does not guarantee efficient administration, it at least promises to disclose where the blame for inefficiency should be made to fall.

The concentration of power makes possible the application to municipal administration of the same business methods and effective management so notable in the administration of great

as to what could be done in the matter. The Irishman referred him to the alderman. The alderman, on being seen, disclaimed all responsibility in the matter, and sent the householder to the city engineer. The city engineer proved to be a young man who did not like to assume any responsibility in such a matter, and so he referred the complainant to the Board of Public Works. The Board of Public Works in turn referred him to the city clerk; the city clerk to the mayor and so on. Finally the man “wound up” again in the office of the Irishman. He had gone the rounds of all the city officers, and each officer had shifted the responsibility from his shoulders to those of someone else. “Well,” said the man, addressing the Irishman, “I have followed your directions, and I have followed the directions of every officer to whom I have been sent, but I have accomplished nothing. In the meantime, the water is flowing into my basement and drowning my chickens. What am I to do about it?” The Irishman scratched his head and said: “Be gorrah; an’ I don’t know. Oi guess ye’ll ‘ave to raise ducks.”

²⁵ George Kibbe Turner, address before the Economic Club of Boston, January 11, 1907.

corporate enterprises. The failure of our municipal government in the past has been more largely due to the system than to the men who have administered it. It is a well known fact that municipal corruption has as frequently arisen from the power of municipal authorities to thwart meritorious plans of public service as from their power to forward reprehensible ones. Good men have always been present in our city administrations, but good men cannot be efficient if hampered by a poor system, as the history of many an American municipality plainly demonstrates. "If the present system of checks and balances," says Professor Munro,²⁰ "puts a restriction upon the ill-considered granting away of privileges, it none the less puts a premium upon the withholding of rights which should, in the public interest, be granted without hesitation. It is extremely doubtful whether the chances of obtaining a municipal franchise at the present time in any large city are properly proportional to the merit of an application therefor. A small commission would, indeed, simplify the task of dealing with civic franchises on a business basis."

However, be this as it may, it is nevertheless true that one of the greatest evils connected with municipal government in the United States has been the corrupt dealings between the city and the corporations which wish to obtain valuable franchises for various semi-public purposes—transportation, light, water power, telephone, and telegraph service. Corporations desiring a franchise for money-making purposes have been prepared to pay the temporary incumbents of city offices largely for votes to give the privileges desired; and the fact that such opportunities to make money have frequently presented themselves to aldermen and councilmen has made places in city government desirable to men who are ready to rob their constituents, and betray the interests of the city in these ways. A corruptible city government has been the opportunity for the corporation which is willing to corrupt, and the existence of such relations

²⁰ Wm. Bennett Munro, *The Galveston Plan of City Government in Proceedings of the National Municipal League*, 1907, p. 148.

has made city government the most dishonest and inefficient of all the branches of public administration. "The cure of this hideous evil," to quote again from President Eliot,²⁷ "must be a fundamental one because the evil has two deep roots; on the side of the city, a bad form of government combined with an inadequate territorial unit; on the side of the community, a lax morality as regards the conduct of corporations (and we might add, the conduct of men in public office). The substitution for the board of aldermen and the common council of a small board in which power and responsibility are concentrated, would go far to remove from municipal administration the weak or vicious men who are capable of corruption." Our city organization should be reorganized upon principles intended to make the machinery of government suitable to the work it is intended to perform. It was not framed as a city government in the first place; it was designated as a system of national government, and then transferred to the city. "Fifty years of changes and repairs have not adapted it to its use. It is still radically wrong. It cannot act simply and directly, because it was fashioned to be complex and slow. It cannot be clear-cut and responsible for it was intended continually to divide responsibility. It cannot represent the will of the city, because its strongest body represents the ward—the most vicious political unit in our democratic government. It is folly to expect efficient administration from this machinery. A thousand unsuccessful attempts at reform show it."²⁸ Our cities have failed to keep up with the enormous changes in the mode of life of urban communities which applied science has brought about during the last fifty years.

The commission form of government permits of the organization of city administration on an industrial basis. It places the city on an equal footing with the public service corporation by promoting prompt, effective, and decisive action when such action is necessary. What would be thought of a business cor-

²⁷ "City Government by Fewer Men," *World's Work*. October, 1907, vol. 14, No. 6.

²⁸ Geo. Kibbe Turner in *McClure's Magazine*, Oct. 1, 1906.

poration which intrusted its management to a bicameral board composed of directors, elected by its stockholders from geographical districts, representing different interests, and designed to embody a system of checks and balances? Imagine a business in which every matter to be considered must go first to a committee of five, then to a body of twenty, then to a single independent head for approval or disapproval—"never once on its journey feeling the vital touch of a responsible hand, or the illumination of an expert mind." How long could such a body exist in competition with "the savage personal self-interest which drives the corporation of to-day?" The work of administering the affairs of a city is in every essential respect akin to that of conducting the affairs of a private business corporation, and demands a similar type of organization. The same business management is required in the operation of a municipally owned water plant as in one privately owned, or should be. The same prompt and decisive action should characterize the management of a municipal electric light or gas plant as a private one furnishing the same service to the same citizens. Why should the affairs of a city demand administrative machinery so much more complex than that of the large private corporation? Here again we see how American cities have failed to keep up with the enormous changes in urban needs brought about by the changed social, economic, and political conditions of the last fifty years.

Objection is frequently made to the analogy between the municipal and the private corporation on the ground that the object of the private business corporation is profit while that of the public corporation is not. While it may be true that in determining matters of policy, the municipal authorities should give weight to some considerations of social well-being which the management of a private corporation may not, from the point of view of organization and management, the analogy nevertheless holds good. True, the private corporation must add a reasonable profit to the cost of the service, and the municipal corporation should not; but the ultimate object of the two corporations is the same. With a given standard of service, the

object of the private corporation is to reduce costs in order to make profits as large as possible while that of the municipal corporation is to reduce costs in order to make the rates for the service as low as possible. Profits are paid to the stockholder in dividends in the one case and to the consumer in reduced rates in the other case. The end is the same, from the point of view of organization and management. This principle is becoming more and more recognized in the management of municipally owned utilities. It is coming to be recognized for instance that municipally operated utilities should not furnish free service to the city. The city should pay the water department hydrant rentals; it should pay for the water used in sprinkling the streets, in public buildings, etc. In other words, the municipally owned and operated water plant should be managed, and its accounts should be kept, in the same way as if it were a private company. A surplus from the operation of a municipal utility whose service is purchased, is an indirect tax on the consumer.

Another advantage of the commission plan is that it makes the governing body representative of the entire city instead of subdivisions of it. This can never be the case under a system of ward representation. Under the ward system, the councilman is chosen to represent the ward. His interests are primarily the interests of his ward, and, when the larger interests of the city come in conflict with them, it is the interests of the city that must be submerged; the return of each councilman depends upon it. City administration under these conditions is a piece-meal affair—a compromise of the interests of the various wards. Under the commission plan, the councilman represents the interests of the city as a whole; he is elected on that basis, and must depend upon the entire city for his support. Although the system of ward representation has always been a failure, and probably one of the most conspicuous causes of the failure of municipal government in this country, there has always been a strong protest against any change in it. There has always been a half conscious belief that election by wards is the only really democratic method of choosing city representa-

tives. We imagine a citizen having some particular interest in the condition of the street in front of his house and that he must have a representative to urge those interests on the council—which is undoubtedly true, where every alderman on the council is struggling for the particular interests of his own locality and the interests of the city are lost in the *melée*. But the interest of that citizen in the street in front of his property is nothing compared with his interests in all the streets of the city, his interests in getting about himself, in getting his freight delivered, and in carrying on his business over all the streets, highways, bridges, etc., of the entire city. If his interests should be represented, they should be represented as a whole, not merely one small part of them.

“There is just one reason,” says Mr. Turner, “so far as I have ever heard, for the choice of members of the city legislature by wards: This is the theory that each section of the city has different interests, and that each section requires a special spokesman. Personally, I don’t believe this. There is just one thing, in my opinion, and only one, which the voter in the American city can be trusted to do well; that is, to ‘holler’ when his special interests are concerned. If he wants anything himself, or has any great reason to protest against the public service, you will hear from him twenty-five times strong and loud, to one time when you will hear a smothered murmur on any great public question. You have gained, in other words, in your system of locality representation, the thing you needed least of all.

“On the other hand, your losses have been tremendous. There are, as I see it, three chief reasons why ward representation in city government is bad. In the first place, the ward is essentially the most vicious political division known to man. I do not need to defend this assertion. The very expression ‘ward politics’ is a by-word of the English language. In the second place, the men this system elects will not know anything in particular about the business of governing the city, simply because they are not elected on that basis. In the third place, the voter doesn’t know and can’t know anything about the man who

represents him. * * * Commission government is good for exactly the same reasons that ward government is bad. In the first place, the city votes whole for a commission, without being split up into easily manipulated pieces. In the second place, it chooses men for what they can do and not for the district in which they are living. In the third place, the best of all, it gives the voter a chance to know what he is voting about.”²⁹

Again the commission plan facilitates the employment of experts in the administrative work of the city. If the centralization of powers in the hands of a small board is a characteristic of sound corporate management, the performance of executive functions by experts is equally so. No department of city government can today be properly carried on except by experts. In all departments of administration “amateur executive agents” are entirely out of place, and certain to lead to inefficiency, if not to corruption. Engineers, electricians, architects, landscape gardeners, and similar experts are the only persons competent to perform the work of the city of today. The supervision and management of waterworks, lighting plants, sewage systems, public improvements, police departments, all require technical skill of high quality, and such superintendents and managers should be retained continuously and on long tenure, if the maximum of efficiency is to be obtained. The problem is, how are such experts to be selected. They cannot be elected by popular vote; they must be selected in the same manner as similar experts in the field of private business—by a suitable, central, administrative board. Such a board is found in the city commission. That a city commission, composed of three or five business men, elected by the city at large because of their standing in the community, is superior to the ordinary common council composed of ward aldermen, whose interests are circumscribed by the ward from which they are elected, for the performance of such a function requires no argument. The commission plan does not seek to elect experts to office; it aims to secure a sane, business-like selection of experts by busi-

²⁹ George Kibbe Turner in an address before the Economic Club of Boston, January 11, 1907.

ness men accustomed to perform a similar task in the conduct of their private business. The advisability of this method is borne out by the experience of all existing organizations for business purposes—railroads, banks, factories, mills, industrial and commercial corporations. The administrative and executive work of all such organizations is performed by experts selected, employed, and directed by small administrative boards. The method used by such corporations is the only method suitable to the administration of a city, if its work is to be well performed.

The commission form of government has all the advantages of the "short ballot." The short ballot principle as defined by the Short Ballot Organization³⁰ is as follows:

"The dangerously great power of politicians in our country is not due to any peculiar civic indifference of the people, but rests on the fact that we are living under a form of democracy that is so unworkable as to constitute in practice a pseudo-democracy. It is unworkable because:

"First—It submits to popular election offices which are too unimportant to attract (or deserve) public attention, and,

"Second—It submits to popular election so many offices at one time that many of them are inevitably crowded out from proper public attention, and,

"Third—It submits to popular election so many offices at one time that the business of making up the elaborate tickets necessary at every election makes the political machine an indispensable instrument in electoral action.

"Many officials, therefore, are elected without adequate public scrutiny, and owe their selection not to the people, but to the makers of the party ticket, who thus acquire an influence that is capable of great abuse.

"The short ballot principle is—

"First—That only those offices should be elective which are important enough to attract (and deserve) public examination.

"Second—That very few offices should be filled by election at

³⁰ The Short Ballot Organization, 385 Fourth Avenue, New York.

one time, so as to permit adequate and unconfused public examination of the candidates.

“Obedience to these fundamental principles explains the comparative success of democratic government in the cities of Great Britain and other foreign democracies, as well as in Galveston, Des Moines, and other American cities that are governed by ‘Commission.’ ”

That candidates for public office must be conspicuous is vital. The people must know the candidates, or they can never be in actual control of the situation, but simply go through the motions of controlling. The small offices must go off the ballot and either be appointed, or they must be increased in real public importance, by added powers until they rise into such eminence as to be visible to all the people. “Governmental power should be concentrated in the hands of a very few men, who would be so conspicuous that no citizen could help knowing all about them and the elections should not come frequently,” says Theodore Roosevelt.

The commission form of government will undoubtedly facilitate the election of a higher type of men, for American municipal experience plainly demonstrates that small bodies with large powers attract a better class of men than large bodies with small powers. Men are willing to assume responsibility, provided they are given a free hand and may hope to receive the merit due to service well performed. Under the commission plan, each commissioner has considerable power and responsibility. He is intrusted with the supervision of a department, and feels that he has all the means necessary to the execution of his trust. Such an opportunity should be attractive to business men experienced in their various occupations, who have been successful, and who, therefore, have large interests in the moral and material welfare of the community over which they are chosen to preside. This has not been the case under the common council system. Councilmen and aldermen, as a rule, have been men of small capacity, who have had little or no success in business. Lists of councilmen and aldermen in American cities have been published which show most of them to have

little or no property and no describable means of support. In other words, they have been persons who have given no evidence of a capacity to successfully administer the affairs of a great city.

On the other hand, "If it be clearly understood," says President Eliot,³¹ "that successful men of proved capacity are needed and wanted for the city's service, able men will be attracted to the service just because the standard of the service is set high. There are always plenty of good candidates for offices with which go power, responsibility, and public consideration. To an office which requires for the proper discharge of its duties a high degree of intelligence and public spirit, public spirited men, young and old, will aspire. Elderly men who have already succeeded in their business and become pecuniarily independent will take office because they find in public duties a new interest, and a new incentive to exertion. Younger men of high capacity will take office, because they believe that in public office they will have an opportunity to show to advantage what their quality is, and that this demonstration will be useful to them in other large affairs either public or private. That aldermen and common councilmen have fallen into contempt is a grave misfortune; for that very fact makes it extremely difficult to recruit those bodies with desirable citizens except, indeed, in an occasional and spasmodic way. Large school committees, which were until lately the rule in American cities, fell into disrepute because election to them came to be considered a first step for aspiring politicians. * * * Wherever an office is aggrandized, the man of capacity who really fills the office will set a new standard of efficient work for the office; hence the economy of consolidations in financial, manufacturing, and transportation enterprises. The enlarging of units of organization is a world-wide tendency in all sorts of business; so that the changes here suggested in municipal government are only another group of instances in a stream of tendencies. Larger functions in fewer hands will command the services of better men—of men honest, efficient, and public spirited."

³¹ "City Government by Fewer Men," in *The World's Work*, Oct., 1907.

Finally, the commission form of government tends to make public officials better known. Every one knows the chief of police and the mayor; but who knows all the aldermen in the average city. With fewer men, larger men, and more responsible men, popular elective control would become more real.

There are undoubtedly many advantages which the commission plan might secure to individual cities, but as these are mostly relative to local conditions and cannot be stated in general terms, they will not be taken up here.

DISADVANTAGES OF THE COMMISSION FORM OF GOVERNMENT

The disadvantages of the commission form of city organization are not so apparent as the advantages, but there undoubtedly are disadvantages, some of which are serious enough to engage the attention and careful consideration of all students of municipal government. Some of these disadvantages possibly are more theoretical than real, but it is the purpose of this discussion to give the arguments used against the commission plan as well as the unquestioned disadvantages of the plan as a scheme of municipal organization.

The most common objection urged against the commission plan is that it is "un-American and undemocratic," that it "involves a radical departure from American traditions and proposes a step in the direction of municipal dictatorship." "This objection," says Professor Munro of Harvard University,³² "is as easy to raise as it is difficult to support. The present framework of municipal administration, with its division of powers, is not a whit more traditionally 'American' than is the New England town system of government by a board of selectmen with no division of powers whatever. That the system of administration by a small body of men tends to remove control 'away from the people' is an assertion which the whole history of local government in the United States absolutely refutes. Indeed, it has been proven time and again that a single elective

³² Munro. *The Galveston Plan of City Government*. Providence Conference for Good City Government, 1907, p. 150.

officer may, in his official actions, more faithfully reflect public opinion than a large body of elected representatives."

There is, however, one essential difference between the commission plan and the New England system of town government—the separation of the taxing and the spending powers. Under the commission plan, the same body votes the taxes and expends the money. Under the New England system, all taxes are voted by the town meeting, while the receipts from those taxes are expended by the board of selectmen. That is to say, even in New England, the spending and appropriating powers are not combined—a very essential difference from the commission plan.

This difference between the two plans of administration is considered vital by all political scientists of the old school, and by advocates of the New England town system. "The principle of the separation of powers," says Alfred D. Chandler,³³ "at least of the appropriating and spending powers, can hardly be overrated for our large modern towns and cities. The axiom is comprehensive. It is not limited to the departments of government as defined in the national or any state constitution, but it applies with equal, even greater force at times to departments of like kind in municipal administration. In the New England town meeting system it is fundamental."

Examples of the combination of these two powers in American government are few. Perhaps the only instances are to be found in the original city council, before the mayor was popularly elected, and in our county commissions and boards of supervisors. But upon this point Professor Goodnow, probably our most conservative and cautious observer of municipal government, has this to say:³⁴

"It is often felt by students of municipal government that it is a mistake to give the power of appropriating public money to the officers who are called upon to spend such money after it has been appropriated. Those who feel that this consideration has great weight will naturally not look with favor upon the

³³ Chandler, "Local Self-Government," p. 8.

³⁴ Goodnow, *Municipal Government*, p. 177.

commission system. It must be remembered, however, that the union of the spending and appropriating powers is really a necessary characteristic of any form of municipal organization which combines all functions of city government in the same hands. The attempt in the United States to separate the functions of city government has been, it will be remembered, most disastrous. Any theoretical objection of this sort to the commission system cannot in the light of American municipal history be considered as having sufficient weight to offset the advantage of the union of all municipal powers in the same hands."

Strange enough, however, those who object to the combination of the appropriating and spending powers in the same body, find nothing to criticise in the common council system in this connection. Some light upon the real situation as contrasted with the theoretical, is shown by the comments of President Eliot.³⁵

"In the New England town government the entire adult male population exercised an active control over the amount of taxes to be raised, and the objects for which public money should be spent. Having determined these points, they left to a small board of selectmen the entire administrative business of the town. This was the wisest and most successful mode of democratic government ever organized. Compare with it the condition of an urban population today in regard to the raising and expenditure of taxes. In the first place, in most American cities, the people who determine what the taxes shall be are not the main body of voters—far from it; secondly, the body of tax payers on property do not determine, as in the New England town, how much money raised by taxation shall be spent; on the contrary the number of resident individuals who pay taxes on property is always less than half the number of legal voters, so that the control of expenditures is in the hands of resident individuals who pay no taxes on property. * * * Considering the importance which was attached one hundred and forty years ago to the doctrine, 'No taxation without representation,' it is a singular condition which confronts urban populations in the United States, a condition in which the tax payers have been de-

³⁵ Eliot, City Government by Fewer Men, *The World's Work*, Oct., 1907.

prived of every adequate control over the expenditure of the taxes they have paid."

While it is true that municipal budgets under the common council system are in many cases prepared in the first place by a board of estimates or referred to a citizen's board for review, it is also true that with few exceptions, as in the case of New York, the final passage of the budget rests with the council. The mayor has frequently been given the veto power, but at the same time the council has been given the power to override his veto. Thus the same arguments might be applied with equal force to the common council plan, as it has worked out in practice, as are advanced against the commission plan in theory. As a matter of fact, the commission plan is a return to the original council system. The members of the original American city council met together and voted appropriations, then made contracts for the city work.

Of a similar nature is the objection raised to commission government on account of its violation of the theory of the separation of powers in general. The idea of the separation of powers was applied to city government, not because it was believed that the principle was peculiarly applicable to urban conditions, but rather because the principle was thought to be an axiom of political science applicable to all forms of government. A hundred years of municipal failures has shown it to be inapplicable, and we may say in regard to this, as was said with regard to the combination of appropriating and spending powers, that, "Any theoretical objection of this sort to the commission system can not, in the light of American municipal experience, be considered as having sufficient weight to offset the advantages of a union of all municipal powers in the same hands."

Again, the objection to the commission plan on account of its departure from the theory of district representation, and its reduction in the number of representatives, is of much the same nature. This objection is based upon the theory that the degree of representation in municipal affairs, as in state and national affairs, depends upon the number of representatives and the size of the districts represented. It is argued, that by

the abolition of wards and the reduction in the number of representatives in the city council, the representation of the people will be greatly reduced, and the spirit of American democracy in the administration of the city seriously curtailed; that a much greater security is enjoyed by the people in a larger representation and less power in a city council elected from the different wards. This might be a serious objection were it not for the fact that the theory upon which it is based is not true. In the first place, in neither the New England town nor the original American city council were the selectmen or members of the council elected by districts—they were elected at large; in the second place, American municipal history has shown, if it has shown anything, that the interests of the city as a whole are not represented by a council elected upon the ward system, but that they can only be represented by a council elected at large. Comment has already been made on this phase of the subject.³⁶ Ward aldermen represent their various wards, not the city, and furthermore, they represent only the dominant political factions of their wards. They can know nothing in particular about the business of governing a city, simply because they are not elected on that basis. Under such a system the only responsible representative of the city is the mayor, just as the only responsible representative of the American people at the present time is the president. As for the number of representatives or the size of the representative body, the history of local government in the United States plainly shows,³⁷ that a small representative body, or even a single elective official, may more faithfully reflect public opinion in its or his official conduct than a large body of elective representatives, for popular representation depends not so much upon the nature of the representative body or the size of the electoral district, as upon the degree of responsibility which the individual representative feels.

Of a different nature, however, is the objection that commission government will strengthen rather than weaken the in-

³⁶ See p. 109.

³⁷ See pp. 105, 115.

fluence of partisan organizations in municipal affairs. "The concentration of power and patronage in the hands of a few commissioners would, it is claimed, make it seem imperative to the party leaders that the commission should be controlled; and the party energies now spread over a wider area, would thus be concentrated at a single point. It is quite true that whenever the power and patronage of the mayor have been extended the result has not been to diminish the force of partisanship in mayoralty elections; on the contrary, party leaders have been impelled to make more energetic campaigns and to perfect their organizations in order that they might control an office which had become the more valuable to them. Furthermore, the election of four or five commissioners by the voters at large would, in all probability, result in selections from the ranks of a single party; the dominant party could in most cases elect its whole slate, and the minority would in consequence be wholly unrepresented. There might, no doubt, be frequent exceptions to this, but it would be the more usual outcome. On the other hand, a large council, the members of which are elected by small districts, will almost certainly contain representatives of the weaker political party."³⁸ That is, not only does the concentration of powers make it more important to the party to control the commission, but election at large makes it necessary to secure control of every commissioner; it must elect all or none of them.

Undoubtedly, this criticism has great weight. But its greatest weight does not lie on the political side. Indeed, the commission charters, in general, contain features intended to counteract this tendency. In the first place, most commission charters provide for non-partisan elections; the candidates for office are placed in alphabetical order under the name of the office for which they are running, without party designation. This will undoubtedly tend to counteract this influence, and to free the elections from party control. Then, too, municipal elections are quite generally held in the spring, being separated from

³⁸ Munro, *The Galveston Plan of City Government*, Providence Conference for Good City Government, 1907, p. 151.

state and national elections, which are held in the fall—a plan intended to diminish the influence and interference of the national parties in municipal affairs. Again, the state and national parties have generally controlled the city through the control of the various ward organizations. Municipal elections have served as trial tests, or practice elections for the state machine, in which the efficiency or strength of the state organization might be tried out. But with the abolition of wards, will go the abolition of the ward machines, and the strength of the state organization will be undermined at its most vulnerable point. Under the commission plan, there will be no need for ward organizations; there will be nothing for them to do; no representatives for them to elect; consequently, they will disappear and the state and national parties will be deprived of their use. As for municipal parties, there will in all probability be none; the electorate will divide on issues, not on party lines. It is now quite generally agreed among political scientists that political parties in the United States have been made necessary by our form of organization. They have been necessary to counteract the separation of powers, to bring the legislative and executive departments together outside the constitution, and into harmony with each other, in order that legislation might be enacted and the affairs of government carried on. If this be so, and if this be the chief purpose of party, when the departments of government, legislative, executive, and judicial are consolidated as under the commission plan, there will be no need of an extra-governmental agency, of a political party, to bring these departments into harmony. Therefore, there will be no excuse for municipal parties. In these ways the weight of this objection, as applicable to the influence of the regular political parties, is considerably reduced.

But by far the greatest influence, and the most dangerous influence exerted on the council or commission will come, not from political organizations, but from the great industrial interests. As has already been pointed out,³⁹ one of the greatest evils connected with municipal government in the United States:

³⁹ See p. 106.

has been the corrupt dealings between the city governments and private corporations which desire valuable franchises for semi-public purposes. The interests of these corporations will be the same under the commission plan as under any other form of city organization, and we may reasonably expect that they will exert the same pressure upon the members of the commission as they have in the past upon the members of the common councils to secure these valuable franchises. As a certain newspaper has put it,⁴⁰ "Will public service corporations that manage our city railways, our telephones and telegraphs, our water system, our heating and lighting plants, cease to covet gain, cease to look with designing eyes on the city council, cease to scrutinize the ordinances, and care not about the character of the men who will enforce the regulation affecting the conduct and dividends? Will the men interested in the sale of wine and beer and the people of their saloons, will the keepers of dives and gambling dens, become converted and join the church and cease to trouble our souls and harass not the police who surround them?" The inducements for such interests to control the commission will be even greater than ever, because of the increased power which is given to the commission. This is probably the greatest danger which confronts the commission plan. A corrupt or inefficient commission, with the great powers conferred upon it, would be much more dangerous to the best interests of the city than an equally corrupt or inefficient common council. The forces of corruption are vigilant; those of good government sometimes are not. There will always be the possibility of this powerful and greatly centralized machine of government being turned over to the looser elements of the city's population. There will always be the danger of the better class of citizens growing indolent and indifferent to city affairs, as they have at times in the history of most cities, and permitting this most dangerous weapon to be handed over to grafters, corruptionists, and despoilers of the public trust. There will always be the possibility of electing incompetent and unreliable men to the commission just as they have been elected

⁴⁰ Plain Talk, Des Moines, February 16, 1907.

to the common council, and the office of mayor. If the people are indifferent at the primaries or elections, the result will be the same as it has been in the past. In that case how much worse off will the citizens be than now, with the great unrestricted powers of the commission? It is true that in most charters the referendum and recall have been included, to guard against such emergencies, but such devices are clumsy at best. The only real safeguard against political manipulation is the intelligent interest of the great body of voters, and a high standard set by public opinion.

Not only does the commission plan afford increased opportunity to the politician to manipulate city government, it also presents the possibility of the commission itself becoming a powerful political machine. The more absolutely power and patronage are concentrated, the greater the political force that can be wielded by the holders of them. A small commission exercising the entire power of the city, might build up such a machine, and so intrench itself that it could not be defeated. Whatever the form of organization, the person who makes an everyday business of politics will come dangerously near administering it.

No improvement in the form of American city government can avail much unless the change in form is accompanied by a change in the personnel. This is a fact which has been too frequently overlooked in American government. The American legislator has laid too much stress on form; he has been seeking a form of organization so perfect in its mechanism as to assure good government irrespective of the type of officials elected to administer it. With the commission form of government the personnel of the administration is all-important. A corrupt or an inefficient commission with wide powers would be much more capable of injuring the best interests of a city than an equally corrupt or inefficient council with decentralized powers and patronage; "for the very complexity and cumbrousness of the present system serves in some degree to place an obstacle in the way of any widespread or consistent wrong

doing." As has already been stated most of the men who have served as councilmen and aldermen have been men of small capacity, and have never succeeded in any business or serious undertaking. Many of them have no property and no certain means of support aside from politics; they have given no evidence of capacity to administer large affairs, either in their private business, or as members of the council. The problem is whether the commission plan will secure the election of a higher type of men. "To this the lesson of experience seems to give an affirmative reply. But it is a matter of probability rather than a matter of certainty."⁴¹

Another disadvantage which is urged against the commission plan by its opponents, is that it does not assure government by experts, as it is claimed. Professor Herriott of Drake University states this objection as follows:

"In these days, efficiency is dependent upon division of labor and control, uniform control and management. Instead of one man and all men doing or trying to do everything and anything, we separate and specialize. A man confines himself to particular tasks and does this or that kind of work and nothing else. Such sub-division of work develops and requires experts and specialists. To become an expert takes a long apprenticeship or systematic education and study. One who becomes trained thus, who becomes an expert or specialist, is the exceptional man in a community or state. There are but few, if any, besides him who possesses such skill or technical knowledge. He does not care much for popular opinion, because he knows that the average man does not know what he knows and cannot know unless he undergoes a similar apprenticeship or education. The expert civil engineer that bridges the canyons of Colorado or tunnels the mountains, despises public opinion as worthless. The public says the thing cannot be done; the engineer does it nevertheless.

"Caring nothing for, if not despising public opinion, cities cannot secure such expert ability in administration by popular

⁴¹ Munro, *The Galveston Plan of City Government*, Providence Conference for Good Government, 1907, p. 152.

election. No specialist will coddle the public to secure his election; he will not stultify himself, either, by reversing his real opinion on scientific or technical matters; and he will not ask its suffrages and undergo the horrible mud slinging of political campaigns. He will serve the public, but only on certain conditions.

“If we would secure the expert in city administration, we must obtain his services by selection or appointment, and by insuring him certainty or permanency of authority, responsibility, and support. We cannot secure him or his services in any other way—because city governments are subject to the same conditions that control in private or corporate enterprises; and only in this way do successful business houses obtain specialists, and benefit from their services.

“The Galveston plan proposes and its advocates maintain that we secure by popular election at least four city officers to take charge of the technical departments of city administration, viz: Commissioners of ‘Streets and Public Property’ of ‘Police and Fire’ of ‘Finance,’ of ‘Water-works and Sewage.’ In each case success in the conduct of such departments requires expert ability, either long familiarity with and training in such lines or technical knowledge and special skill. Universal experience shows that we cannot get such servants by resort to the polls, with the frightful hair-pulling and dirt throwing of city campaigns.”⁴²

This is one of the gravest objections to the commission that can be made, and as applied to commission government in general, it is probably true. Experts cannot be elected by popular vote. Strangely enough however, Professor Herriott has applied his criticism to the only type of commission government to which it does not apply—the Galveston type. As applied to the Houston and Des Moines types it undoubtedly has considerable weight, as has already been pointed out,⁴³ but to the Galveston plan it does not apply.⁴⁴ Galveston, as well as those

⁴² F. I. Herriott, *Defects of Commission Plan*, reprinted in Robbins' *Selected Articles on Commission Plan of Municipal Government*, p. 120.

⁴³ See pp. 44, 48.

⁴⁴ See pp. 39, 44.

cities which have followed the Galveston plan does not attempt to elect the technical heads of the departments; it elects business men to the board of directors of the city government, which selects its experts, and its actual superintendents of departments, in the same way as a business corporation, as a board of directors chooses the bank president, and as Professor Herriott would have them selected. The elected commissioners do not assume the actual management of the details and routine of the departments to which they are assigned; that is left to the technical and expert superintendents under them. Nor do the commissioners interfere with the management of those details any more than does the board of directors interfere with the detail management of the bank. But in the Houston and Des Moines types the elected commissioners are the technical heads of the departments, and the criticism holds true. And it may be said that the majority of cities have followed the Des Moines type.

In this same connection the criticism is also made that the vesting of the right of appointment in the hands of the commission will not necessarily secure the appointment of skilled experts, since even appointments by a small body are not always dictated by reasons of merit and experience alone. "There was a time in American cities when patronage was committed to the municipal council, and, under the system, partisan considerations almost exclusively influenced the making of appointments to office. Municipal reformers insisted that this pernicious policy could be brought to an end only by transferring the appointing power to the mayor, and by placing upon the mayor alone the full and entire responsibility. But during the decade or more since this transfer has been made, it may well be doubted whether individual merit and capabilities have counted much more in determining appointments than they did when the council possessed the patronage. Now it is proposed to vest the patronage once again with a body of men; but one may scarcely venture to hope that partisan considerations will lose much of their strength because of any such further transfer. Definite

location of responsibility for civic appointments seems, as experience shows, to afford some assurance against gross inefficiency; it does not, apparently, afford a guarantee that the degree of efficiency will be very high.”⁴⁵

It should not be forgotten, however, that the mayor has never as yet been held legally responsible. People have chosen to say that the mayor is, in some instances, responsible; but mayors have not felt this responsibility; and, indeed, could not reasonably be held to be responsible, as has already been shown in another connection.⁴⁶ They have not had the power of removal, nor have they had control over the official conduct of their appointees. When the responsibility is legally enforced, as contemplated by the commission plan, and when the official record of the individual making the appointments is contingent upon the efficiency of the appointees, there is little doubt but that it will have a marked effect upon the nature of the appointments.

Another criticism is that the commission is liable to be dominated by one man of strong will. A commission is a small body, and a small body is easier to reach and influence, than a large one. Personal influence, business associations, and the opinions of “leading citizens” are especially apt to influence small bodies. Then, when a few men habitually come together to perform governmental functions, it usually happens that each one assumes gradually the oversight of a separate line of work. “There is a tendency finally to get into a rut and X by custom looks after one thing, Y after another, and Z after another, and, if things go apparently right, no one bothers with the other’s work. Much as we dislike cranks, and men with hobbies, their persistency and fighting qualities have time and time again been of the utmost service to the cause of liberty, and it will be a sorry day when their services are dispensed with in governmental matters.”⁴⁷

Again it is urged that the members of the Commission, once

⁴⁵ Munro, *The Galveston Plan of City Government*, Providence Conference for Good City Government, 1907, p. 153.

⁴⁶ See p. 26-7.

⁴⁷ Walter A. Webster, *The Problem of City Government*, p. 18.

they are elected and started in their work, will become enthusiasts. They will go ahead with the work because they like it, because they think it is a great work, because they think they are doing the city a great benefit. Like all enthusiasts who are given power, they will go to greater lengths than the city desires or can afford. "We have seen in Massachusetts what the practical result of this sort of government is," says Professor Beale. "We have had government by commission * * * in the counties of Massachusetts for over two hundred years. * * * They go ahead and spend the money. They build extravagant court houses. They run up our tax rates, and we have no practical way of preventing it. Now, most county officers are good men. * * * We have government in the metropolitan district by the metropolitan commission, and they have built us a most admirable system of sewers and water-works, and they have laid out a magnificent system of parks, and they have driven every city in the metropolitan district to the verge of bankruptcy. The difficulty with those commissions is that they are made up of enthusiasts of the very highest character and aims. They are enthusiasts on parks and water supplies. They love to spend money on them because they can get such excellent results with the money they spend."⁴⁸ That this argument has some weight cannot be doubted. In the absence of proper checks upon the power of the commission, such as requiring all bonds to be voted by the people, the general referendum, etc., commission government might be very expensive though probably efficient, for enthusiasts are generally very good administrators. With such checks little apprehension need be had on this score.

Another disadvantage which has been suggested, but not commonly urged against the commission plan, is that it will narrow the educational work of local government. It has been said that local government is to national, what the elementary school is to the university; that each in its respective sphere performs the work of preparation. Political education consists in the

⁴⁸ Professor J. H. Beale of Harvard University in an address before the Economic Club of Boston, Jan. 21, 1903.

exercise not only of the right to vote but of the right to be elected to office, and the present municipal regime annually affords such education to a large number of citizens. "The plan of government by commission," says Professor Munro, "proposes greatly to reduce the number. It would cut down the list of elective officers to four or five, all other posts being filled by appointment presumably for long terms. This policy, it is objected, would tend to vest the work of civic administration permanently in the hands of a very few men, and might very well assist in the development, as in the German cities, of a professional city bureaucracy. The present multiplication of elective officers affords to a unique degree the opportunity for a large number of citizens to be brought into touch with local political affairs and to obtain such political education as this contact involves."

But political education at the cost of good municipal government is purchased at too dear a price. That a reduction in the number of elective officials will cool the interest of some in civic affairs cannot be doubted, but it is to be regretted; it cannot be avoided. On the other hand, those citizens whose political education is thus thwarted, and whose interest in civic affairs is diminished as their opportunity to hold office is decreased, would not make the best public servants if elected. The connection between the long ballot and misgovernment has been firmly established. We must shorten the ballot to a point where the average man will vote intelligently without giving more attention to politics than he does at present. The loss of civic interest by a reduction in the number of offices will be more than counterbalanced by the gain in civic interest acquired by reason of the fact that the voter can cast his vote intelligently.

There are undoubtedly other objections which a wider application of the commission will reveal, but the most conspicuous ones have been given, and the limits of this bulletin preclude a longer treatment of this phase of the subject.

CONCLUSION

That the commission form of city government is a panacea for all municipal ills, is a claim that no one familiar with the problems of municipal administration will make. That it is an improvement on the ordinary system of city administration as it has been organized down to the present time, would seem to be borne out by the experience of those cities which have operated under it for any considerable length of time. Our present system is far too complicated. Any system which promises a simplification of the machinery of government and a definite fixing of responsibility for official action should be worthy of the careful study and consideration of all students of municipal administrative law. That the commission form of organization is more in harmony with the industrial and business methods of today, and more in harmony with the most important functions which the city is now called upon to perform, can scarcely be questioned; but that a wider application of the plan will reveal defects in the system, also cannot be doubted. It is too much to expect that the commission form as it has been perfected up to the present time will be the final form of municipal organization in this country. Other safe-guards will probably have to be erected around it. Our electoral system has not yet been perfected in this country; and under the commission plan, the election system is of the utmost importance. Under the commission plan the matter of publicity is also of unusual importance. Cost accounting systems must be installed, and other industrial tests and practices must be adopted, as well as the form of organization, if the efficiency of the municipal corporation is to be brought up to the standard maintained in our present-day industrial enterprises. Indeed, these methods are of utmost importance under any system of organization, but they are especially so under the commission plan, where they constitute the only check incorporated in the system. Publicity

and a well-informed public sentiment are the sole safe-guards against an incompetent commission. Power is not dangerous if responsibility is fixed. Not a few American cities at the present time are controlled, as every one knows, by fewer men than would compose the ordinary commission, and yet are responsible to no one. Give city officials power to act and a free hand, and they will not abuse it if at the same time they are held directly responsible for their exercise of it. A good man will not abuse the trust imposed upon him; a bad man should not be elected by a people who want good government.

From this study of the commission plan, it would seem that this conclusion must be reached: As a form of municipal organization, commission government offers a superior plan to that of the old common council system, in view of the functions which the modern city is called upon to perform. Its application to larger cities will, in all probability, necessitate more or less extensive modifications to meet the conditions of each particular locality. Its ultimate success will depend largely upon the purity of its election system, and the adoption of improved methods of accounting and of enforcing publicity and popular responsibility. The city must go all the way in adopting industrial methods if industrial standards of efficiency are to be maintained.

LIST OF CITIES HAVING COMMISSION GOVERNMENT

The time has passed when a complete list of cities which have adopted the commission plan is of much value, except to indicate the locality where that form of municipal organization is most favored. A sufficient number of cities are now operating under the plan to afford it a fair test as a scheme of municipal organization within the next few years.

The following list of cities which are operating under the commission plan, or slight modifications of it, indicates the extent to which cities have adopted it in those states which afford the opportunity:

UNDER GENERAL LAW

Texas

Amarillo
Aransas
Austin
Corpus Christi
Dallas
Dennison
El Paso
Fort Worth
Galveston
Greenville
Harlingen
Houston
Kenedy
Marshall
Palestine

Des Moines
Fort Dodge
Keokuk
Sioux City

Kansas

Abilene
Anthony
Cherryvale
Coffeyville
Emporia
Hutchinson
Independence
Iola
Kansas City
Leavenworth
Marion
Newton
Parsons
Pittsburg

Iowa

Burlington
Cedar Rapids

Topeka	Pierre
Wellington	Rapid City
Wichita	Sioux Falls
	Vermillion
<i>North Dakota</i>	Yankton
Bismarck	
Mandan	<i>Minnesota</i>
Minot	Mankato
<i>South Dakota</i>	
Dell Rapids	<i>Wisconsin</i>
Huron	Eau Claire

UNDER SPECIAL CHARTER

<i>California</i>	<i>Oklahoma</i>
Berkeley	Ardmore
Modesto	Duncan
Riverside	Enid
San Diego	Muskogee
	Sapulpa
<i>Colorado</i>	Tulsa
Colorado Springs	
Grand Junction	<i>South Carolina</i>
<i>Idaho</i>	Columbia
Boise City	
Lewiston	<i>Tennessee</i>
	Memphis
<i>Massachusetts</i>	
Chelsea	<i>Washington</i>
Gloucester	Tacoma
Haverhill	
Lynn	<i>West Virginia</i>
	Bluefield
<i>Michigan</i>	Charleston
Port Huron	Huntington

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